

APPENDIX A

THE LEGISLATIVE MANDATE

Article 49, Title 2, State Land Acquisition

Section 49-0201. Definitions.

- 49-0203. State land acquisition policy.
- 49-0205. Comprehensive inventory of lands having statewide or regional significance.
- 49-0207. State land acquisition plan.
- 49-0209. Regional advisory committees.
- 49-0211. State land acquisition advisory council.
- 49-0213. Annual report.
- 49-0215. Annual budget request.

§ 49-0201. Definitions.

As used in this title, the following terms shall include and mean:

1. "Office" shall mean the state office of parks, recreation and historic preservation.
2. "Commissioners" shall mean the state commissioner of environmental conservation and the state commissioner of parks, recreation and historic preservation.

§ 49-0203. State land acquisition policy.

1. The purpose of the land acquisition program of the department and the office is to provide for the conservation, protection, and preservation of open space, natural, historic and cultural resources and the enhancement of recreational opportunities.

2. The department and the office shall first consider in each acquisition whether acquisition of conservation easement or other less than full fee title interests would fulfill the purposes for which the particular acquisition is sought. If it is determined that a conservation easement or other interest would fulfill such purposes, the department or the office will use its best efforts to acquire such easement or interest, where practicable.

3. It is the policy of the state, acting through the department and the office, to pursue acquisitions through voluntary agreement to the maximum extent practicable to achieve the purposes of this article. Accordingly, the process of eminent domain shall only be used when reasonable efforts to obtain a voluntary agreement have been exhausted. Notwithstanding any provision of law to the contrary, the department and the office shall tender to the owner of any lands proposed for acquisition by eminent domain an offer to purchase such lands for the value thereof as determined by the department or the

office in accordance with section three hundred three of the eminent domain procedure law. Such offer must have been made for at least ninety days before the department or office makes a finding pursuant to article two of the eminent domain procedure law to acquire the land by eminent domain; however, such ninety day period shall not be required in those cases in which the respective commissioner has made a written determination that there is a significant risk of immediate and irreversible environmental degradation. In the event that the department or office undertakes the process of eminent domain and prior to the public hearing required by section two hundred one of the eminent domain procedures law, the respective commissioner shall give notice of such undertaking to the state land acquisition advisory council, created pursuant to section 49-0211 of this title. The foregoing provisions of this paragraph shall not apply to lands acquired pursuant to article sixteen or title thirteen of article twenty-seven of this chapter or lands with respect to which the owner has consented to the use of eminent domain or where the use of eminent domain is required to quiet title.

The commissioners shall also provide the state land acquisition advisory council with the determination and findings required by section two hundred four of the eminent domain procedure law.

§ 49-0205. Comprehensive inventory of lands having statewide or regional significance

1. In order to help provide a basis for a strategy for the preservation of land resources in the state and the preparation of the state land acquisition plan, the department and the office shall prepare a comprehensive inventory of protected and unprotected resources having comprehensive inventory of protected and unprotected resources having statewide or regional environmental, historic, cultural or recreational significance. Such inventory shall include the following:

- a. open space, forest land and park land owned by federal, state and local governmental entities;
- b. forest land in private ownership under the terms of section four hundred eighty-a of the real property tax law;
- c. wetlands protected by articles twenty-four and twenty-five of this chapter;
- d. agricultural areas, including agricultural districts created pursuant to article twenty-five-AA of the agriculture and markets law as recommended by the commissioner of agriculture and markets;
- e. water resources, including wild, scenic and recreational rivers, streams and aquifer recharge areas protected by article fifteen of this chapter;
- f. marine and other coastal resources, including coastal erosion hazard areas protected by article thirty-four of this chapter;
- g. open space lands, forest lands and park lands dedicated by other than governmental entities to ecological, wildlife management, forest management or recreational purposes; and
- h. lands which possess statewide or regional significance for historic, cultural, ecological, open space, outdoor recreation, resource protection or wildlife management purposes, including the purposes of restoring extirpated species.

2. Such inventory, in such segments and such form as may be readily available at any given time, shall be available to the regional land acquisition advisory committees and other members of the public.

§ 49-0207. State land acquisition plan.

1. The department and the office shall prepare a state land acquisition plan to guide selection of projects for state acquisition taking into account regional advisory committee priorities and the department's and office's assessment of need for land acquisition projects. Such plan shall include an identification of:

- a. lands, by region and category, for which acquisition is of a high priority in order to carry out the purposes of this title;
 - b. lands, by region, having statewide or regional environmental, historic, cultural or recreational significance that are threatened with diminishment of resource value;
 - c. the department's and office's priorities of categories of land, by region, for future acquisition; and
 - d. lands, by region, having statewide or regional environmental, historic, cultural or recreational significance which should be considered for state acquisition, but which do not qualify for acquisition under present law.
2. Such plan shall include consideration of the inventory prepared pursuant to section 49-0205 of this title and shall identify those areas within the state which are not adequately protected in such categories.
3. In preparing such plan, the department and office shall:
- a. conduct one or more public hearings in each of the department's administration regions.
 - b. consult with:
 - (i) the regional advisory committees;
 - (ii) officials of departments and agencies of the state having duties and responsibilities concerning the protection of open space and natural, environmental, historic, cultural or recreational resources;
 - (iii) officials and representatives of local governments in the state; and
 - (iv) persons, organizations and groups interested in the protection of open space and natural, environmental, historic, cultural or recreational resources of the state.
 - c. request and receive from any department, division, board, bureau, commission of any other agency of the state or any political subdivision thereof or any public authority such assistance and data as may be necessary to enable the department and office to carry out its responsibilities under this section.
4. The department and office shall prepare a draft plan and shall propose, no later than January thirty-first, nineteen hundred ninety-one, a schedule of public hearings thereon.
5. On or before January thirty-first, nineteen hundred ninety-two and every three years thereafter, the department and office shall submit the plan to the governor, the majority leader of the senate and the speaker of the assembly. Upon approval by the governor such plan shall become a guide for the implementation of the acquisition programs of the department and office.

§ 49-0209. Regional advisory committees.

1. There are hereby established regional advisory committees in each of the department's regions to provide the department and office with advice and recommendations from the public on the implementation of the land acquisition programs of the department and office and in order to provide the public with information regarding the activities of the department and office pursuant to this title.
2. Each regional committee shall:
- a. recommend policies and priorities for protection of lands in the region potentially eligible for state acquisition;
 - b. recommend to the department and office specific studies or assessments which would assist in the development of land acquisition policies and priorities for the region;

- c. establish working liaison relationships with neighboring regional advisory committees where such liaison will further overall land acquisition objectives;
- d. develop guidelines for use in identifying priorities of land acquisition and recommending specific parcels for possible acquisition. Such guidelines may include:
 - (i) the priority ranking of properties for the region;
 - (ii) the degree to which an acquisition will help to meet a regional or statewide need;
 - (iii) the future costs and benefits which may be associated with the project;
 - (iv) the economic impact on adjacent parcels, the community or region and the local governments therein; and
 - (v) the ecological value of the project taking into account the type, variety and relative scarcity of the resources therein.
- e. advise the commissioners and the state land acquisition advisory council annually with respect to plans and priorities for their respective region, and communicate at such other times as may be needed to fulfill its responsibilities.
- f. review the state land acquisition plan prepared by the department and office pursuant to section 49-0207 of this title and make recommendations regarding such plan as it affects the region.

3. Regional advisory committee members shall be knowledgeable of, and concerned with, the land preservation, conservation, historic, cultural, recreation and acquisition goals of this chapter. No employee of the department or office shall serve on a regional committee. At any time that a member of a regional committee has or may have a direct or indirect financial interest in or resulting from the acquisition or decision not to acquire an interest in land pursuant to this title, such member shall not participate in any discussion or deliberation of the committee concerning such acquisition.

4. A regional advisory committee shall consist of at least thirteen, and not more than twenty-three members. Each county outside the city of New York or the city of New York in the case of a county contained within the city of New York shall appoint members to its region's advisory committee in a manner designed to provide equal representation for all counties within a region on such committee, provided that the total number of local government appointees to a regional advisory committee shall not exceed one-half of the committee's membership. The commissioners shall appoint to each regional advisory committee additional members equal to one more than the total number of members eligible for appointment by local government. Each member of a regional advisory committee shall be a resident of that region, provided however, the commissioners may appoint to each regional advisory committee up to two members who are not residents of that region. Each regional committee shall meet as it may deem necessary to carry out its responsibilities.

5. Regional committees may request and shall receive from the department and the office such assistance and data as may be determined reasonable for the proper execution of their responsibilities.

6. Regional committees shall be established no later than September first, nineteen hundred ninety, and shall make initial recommendations no later than December first, nineteen hundred ninety, to the commissioners and the state land acquisition advisory council.

§ 49-0211. State land acquisition advisory council.

1. The council shall consist of seven members: the commissioner of environmental conservation and the commissioner of parks, recreation and historic preservation, and the following officials or their designees: the governor, the majority leader of the senate, the speaker of the assembly, the minority leader of the senate and the minority leader of the assembly. The governor shall appoint the

chair. Persons serving as a member of the council pursuant to designation shall serve at the pleasure of the designating authority, without compensation, but shall be entitled to receive reimbursement of reasonable expenses necessarily incurred in the performance of their duties pursuant to the provisions of this title.

2. The provisions of section seventy-four of the public officers law shall be applicable to the members of the council in connection with their duties under this article. At any time that a member of the council has or may have a direct or indirect financial interest in or resulting from the proposed acquisition or decision not to acquire land or an interest in land, such member shall not participate in any discussion or deliberation of the council concerning such land or interest.

3. The advisory council shall:
- a. advise and make recommendations to the commissioners regarding acquisition goals and priorities to ensure a balance of statewide and regional interests in acquisition;
 - b. have an opportunity to review and make recommendations regarding specific parcels proposed by the commissioners for acquisition prior to the approval by the department or the office of any parcel for acquisition; and
 - c. review the annual reporting of the regional advisory committees, the department and the office, and the state land acquisition plan.

4. Notwithstanding the provisions of article six of the public officers law, no records of the advisory council shall be available for public inspection. Notwithstanding the provisions of article seven of the public officers law, no meeting or proceeding of the advisory council shall be open to the public. All proceedings of the advisory council shall be confidential. Members of the advisory council may participate in a meeting by means of a conference telephone or similar communications equipment and may exchange information by mail.

5. In carrying out its responsibilities pursuant to this article, the council shall take into account the regional and state land acquisition priorities and policies.

§ 49-0213. Annual report.

No later than January thirty-first, nineteen hundred ninety-one, and on an annual basis thereafter, the commissioners shall report on the department's and the office's land acquisition activities, including:

1. lands acquired, whether in fee title or by easement, funds obligated and disbursed and acreage obtained over the past year and cumulatively since the effective date of this title;
2. a description of the state's land acquisition plans and priorities for the coming year; and
3. the recommendations of the regional advisory committees.

§ 49-0215. Annual budget request.

The commissioners' annual budget request for land acquisition reappropriations shall include an itemization of contracts obligated from such appropriations as of the date of such submission.

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Article 54, Title 3, Open Space Land Conservation Projects

Section	54-0301.	Definitions.
	54-0303.	Open space land conservation projects.

§54-0301. Definitions.

For purposes of this title, “open space land conservation projects” shall mean acquisition projects including the purchase of conservation easements undertaken by the commissioner and/or the commissioner of the office of parks, recreation and historic preservation listed in the state open space land acquisition plan prepared pursuant to title 2 of article 49 of this chapter.

§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 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.
b. Until March thirty-first, nineteen hundred ninety-six, 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.

Article 54, Title 9, Park, Recreation and Historic Preservation Projects

Section	54-0901.	Definitions.
	54-0903.	Approval and execution of projects.
	54-0905.	Municipal regulations; limitations.
	54-0907.	Contracts.
	54-0909.	Restriction on alienation.
	54-0911.	Rules and regulations.

§54-0901. Definitions.

As used in this title the following terms shall mean and include:

1. "Municipal park project" means a project undertaken by a municipality or a not-for-profit corporation for the acquisition, development or improvement of recreational facilities including construction of structures, roads and parking facilities.

2. "Historic preservation project" means a project undertaken by a municipality or a not-for-profit corporation to acquire, improve, restore or rehabilitate property listed on the state or national registers of historic places to protect the historic, cultural or architectural significance thereof, or undertaken by the office to improve, restore or rehabilitate state historic properties listed on the state or national registers of historic places to protect the historic, cultural or architectural significance thereof.

3. "Urban cultural park project" means a project undertaken by or through a municipality, public benefit corporation or a not-for-profit corporation for the acquisition and development of sites and facilities identified in a management plan prepared and approved by the commissioner in accordance with the provisions of section 35.05 of the parks, recreation and historic preservation law.

§54-0903. Approval and execution of projects.

1. State historic preservation projects may be undertaken pursuant to the provisions of this article and other applicable provisions of law only with the approval of the commissioner.

2. All historic preservation projects, municipal park projects and urban cultural park projects shall be undertaken in the state of New York. Except for state projects undertaken by the office at state historic properties, the total amount of the state assistance payments toward the cost of any such project shall in no event exceed fifty percent of the cost. For the purpose of determining the amount of the state assistance payments, the cost of the project shall not be more than the amount set forth in the application for state assistance payments approved by the commissioner. The state assistance payments toward the cost of a project shall be paid on audit and warrant of the state comptroller on a certificate of availability of the director of the budget.

3. a. The commissioner and a municipality may enter into a contract for the undertaking by the municipality of an historic preservation project. Such historic preservation projects shall be

recommended to the commissioner by the governing body of the municipality and, when approved by the commissioner, may be undertaken by the municipality pursuant to this title and any other applicable provision of law.

b. The commissioner and a not-for-profit corporation may enter into a contract for the undertaking by the not-for-profit corporation of an historic preservation project. Such an historic preservation project shall be recommended to the commissioner by the governing body of a not-for-profit corporation which demonstrates to the satisfaction of the commissioner that it is capable of operating and maintaining such property for the benefit of the public. Upon approval by the commissioner, such project may be undertaken pursuant to the provisions of this title and any other applicable provision of law.

4. a. The commissioner and a municipality may enter into a contract for the undertaking by the municipality of a municipal park project. Municipal park projects shall be recommended to the commissioner by the governing body of the municipality, and when approved by the commissioner, may be undertaken by the municipality pursuant to this title and any other applicable provisions of law. The office shall assess existing parks and recreational opportunities in the municipalities where the municipal park project is located and shall give preference to projects which are in or primarily serve areas where demographic and other relevant data for such areas demonstrate that the areas are densely populated and have sustained physical deterioration, decay, neglect or disinvestment, or where a substantial proportion of the residential population is of low income or is otherwise disadvantaged and is underserved with respect to the existing recreational opportunities in the area.

b. The commissioner and a not-for-profit corporation may enter into a contract for the undertaking by the not-for-profit corporation of a municipal park project. Such a contract shall be contingent upon the approval of the governing body of each municipality in which the project is located. Such a project shall be recommended to the commissioner by the governing body of a not-for-profit corporation which demonstrates to the satisfaction of the commissioner that it is capable of operating and maintaining such project for the benefit of the public. Upon approval by the commissioner, such project may be undertaken pursuant to the provisions of this title and any other applicable provision of law. The office shall assess existing parks and recreational opportunities in the municipalities where the municipal park project is located and shall give preference to projects which are in or primarily serve areas where demographic and other relevant data for such areas demonstrate that the areas are densely populated and have sustained physical deterioration, decay, neglect or disinvestment, or where a substantial proportion of the residential population is of low income or is otherwise disadvantaged and is underserved with respect to the existing recreational opportunities in the area.

5. The commissioner and a municipality, public benefit corporation or not-for-profit corporation may enter into a contract, subject to the approval of the director of the budget, for the undertaking by or through the municipality, public benefit corporation or not-for-profit corporation of a local urban cultural park project including parkwide and district projects identified in a management plan prepared pursuant to section 35.05 of the parks, recreation and historic preservation law. Such projects shall be subject to an agreement by the local urban cultural park management entity to operate or cause to be operated any public facility resulting from such project.

6. No monies shall be expended for park, recreation and historic preservation projects except pursuant to an appropriation therefor.

§54-0905. Municipal regulations; limitations.

A municipality which acquires, develops, improves, restores or rehabilitates property with funds made available pursuant to this title may establish reasonable rules and regulations by local law or otherwise to

assure the proper administration and development thereof, provided that no such rule or regulation which restricts the use of such lands or facilities by non-residents of the municipality shall be effective without the approval of the commissioner.

§54-0907. Contracts.

1. The commissioner shall impose such contractual requirements and conditions upon any municipality and any non-for-profit corporation which receive state assistance payments pursuant to this title as may be necessary and appropriate to ensure that a public benefit shall accrue from the use of public funds by such municipality or not-for-profit corporation. Such conditions shall include limitation on the right of the municipality or not-for-profit corporation to demolish or convey such property, provisions for public access or use where appropriate, the granting of facade easements to the state, a requirement that all plans for restoration, rehabilitation, improvement, demolition or other physical change must be subject to the commissioner's approval, and such other conditions which shall assure the preservation and protection of the project.

2. Any not-for-profit corporation which receives state assistance payments pursuant to this title for the acquisition of land for outdoor recreation or conservation purposes shall execute a contract with the commissioner which shall include the following:

- a. An agreement to make and keep the lands accessible to the public unless the commissioner determines that public accessibility would be detrimental to the lands or any natural resources associated therewith;
- b. An agreement not to sell, lease, exchange or donate the lands except to the state, a local government unit or other qualifying tax exempt non-profit organization for recreation and conservation purposes approved by the commissioner; and
- c. An agreement to execute and convey to the state at no charge a conservation easement, pursuant to title three of article forty-nine of this chapter, over the lands to be acquired with state assistance payments.

§54-0909. Restriction on alienation.

1. Real property acquired, developed, improved, restored or rehabilitated by or through a municipality pursuant to paragraph a of subdivision four of section 54-0903 of this title or undertaken by or on behalf of the city of New York with funds made available pursuant to this title shall not be sold, leased, exchanged, donated or otherwise disposed of or used for other than public park purposes without the express authority of an act of the legislature, which shall provide for the substitution of other lands of equal environmental value and fair market value and reasonably equivalent usefulness and location to those to be discontinued, sold or disposed of, and such other requirements as shall be approved by the commissioner.

2. Real property acquired by a not-for-profit organization with funds made available pursuant to paragraph b of subdivision four of section 54-0903 of this title shall not be used in violation of an agreement entered into pursuant to the provisions of paragraph b of subdivision two of section 54-0907 of this title, or sold, leased, exchanged, donated or otherwise disposed of without the express authority of an act of the legislature.

§54-0911. Rules and regulations.

The commissioner shall adopt, prior to the acceptance of applications for municipal park, historic preservation and urban cultural park projects, rules and regulations which shall include eligibility requirements, application procedures, office ranking and review processes, project approval guidelines

and criteria, and funding distribution necessary for all state assistance payment programs established pursuant to section 54-0903 of this title.

APPENDIX B

PROJECT ELIGIBILITY CRITERIA & DEFINITIONS

The minimum qualifications for each category and subcategory follow:

Forest Preserve

Adirondack and Catskill Forest Preserve Additions
Adirondack and Catskill Park Forest & Scenic Easements

Water Resource Protection

Aquifer Recharge Areas
Watershed Protection, Water Supply Reservoir Protection, *Floodplain Protection* & Aquatic Ecosystem Protection

Significant Ecological Areas

Exceptional Forest or Plant Community
Shoreline Protection
Unique Areas
Wetlands, Freshwater & Tidal
Wildlife Habitat
Biodiversity

Recreational Opportunity

Metropolitan Parks & Shorelines
Parklands
Public Fishing Rights
Trailways & Greenways
Waterway Access

Distinctive Character

Historic Preservation
Working Landscape
Urban Cultural Parks
Scenic Resources

Enhancement of Public Lands

Access
Buffer
Consolidation

Coastal and Estuarine Land Conservation Area

CELCP Priorities
Conservation
Ecological
Recreational/Access
Historic/Aesthetic

ADIRONDACK AND CATSKILL FOREST PRESERVE

ADIRONDACK AND CATSKILL FOREST PRESERVE ADDITIONS

- a. The proposed project must be located within either the Adirondack or Catskill Park; and
- b. It must be located outside of the boundaries of an incorporated village or city; and
- c. It must be located outside of the Towns of Altona and Dannemora in Clinton County.

ADIRONDACK AND CATSKILL PARK FOREST & SCENIC EASEMENTS

The project must protect productive forest land located within either the Adirondack or Catskill Park.

WATER RESOURCES

AQUIFER RECHARGE AREAS

- d. The area to be protected must be part of an aquifer recharge area which is protected by local watershed rules and regulations, groundwater protection ordinances, zoning ordinances, subdivision regulations, site plan review procedures, or other methods acceptable to the commissioner; and
- e. The local government must agree to manage the acquired lands in a manner acceptable to the commissioner. A formal agreement with the Department must be executed at the time of acquisition; and
- f. The local agency must participate in the funding of the acquisition in an amount to be determined by agreement with the commissioner based on such factors as: 1) the size, cost and public health and environmental significance of the proposed project on a local, regional or statewide basis; 2) the significance and substantial nature of any proposed financial contribution by the municipality in relationship to the municipality's size, population and fiscal resources; 3) the relationship of any proposed "in kind" contribution by the acquisition of a portion of the lands included in the project in lieu of a direct financial contribution to the state's purchase; and 4) any other factors that may be relevant. Credit will only be given for local acquisition activities subsequent to the completion and approval of this State Open Space Conservation Plan (November 18, 1992). This requirement is waived if the primary purpose for the acquisition is not aquifer recharge; and
- g. The local government must either have applied or agree to apply for a water supply permit pursuant to section 15-1501 of the Environmental Conservation Law. Application must be made before the acquisitions are implemented. This requirement is waived if the primary purpose for the acquisition is not aquifer recharge.

WATERSHED PROTECTION

WATER SUPPLY RESERVIOR PROTECTION

- a. The proposed project lies within the watershed of a water supply reservoir; and

- b. The owner of the water supply reservoir must have enacted watershed rules and regulations pursuant to section 1100 of the Public Health Law; and
- c. The owner of the water supply reservoir must apply for a water supply permit for the purchase of the project lands. This requirement is waived if the primary purpose for the acquisition is not watershed protection; and
- d. The local agency must participate in the funding of the acquisition in an amount to be determined by agreement with the commissioner based on such factors as: (1) the size, cost and public health and environmental significance of the proposed project on a local, regional or statewide basis; (2) the significance and substantial nature of any proposed financial contribution by the municipality in relationship to the municipality's size, population and fiscal resources; (3) the relationship of any proposed "in kind" contribution by the acquisition of a portion of the lands included in the project in lieu of a direct financial contribution to the states purchase and (4) any other factors that may be relevant. Credit will only be given for local acquisition activities subsequent to the completion and approval of this State Open Space Conservation Plan (November 18, 1992). This requirement is waived if the primary purpose for the acquisition is not watershed protection; and
- h. At the discretion of the commissioner, the owner of the water supply reservoir must agree to manage the lands acquired in a manner acceptable to the commissioner.
- i. The Commissioner and the owner of the water supply reservoir may negotiate an agreement relative to public use of the reservoir and surrounding watershed land where appropriate.

Aquatic Ecosystem Protection

Proposed project is within the watershed (and upstream of) of a water body that is classified no lower than C as per Title 6, Chapter X, Parts 700-705 of NYCRR.

Proposed project encompasses a minimum of 50 acres of watershed. Proposals less than 50 acres, that contain critical features for protection of the water such as springs, tributary mouths or highly erodible land features also qualify.

FLOODPLAIN PRESERVATION

- a. The area to be protected lies in whole or in part within an area defined as the Special Flood Hazard Area by the Federal Emergency Management Agency. This is an area which is subject to a one percent or greater chance of flooding in any given year, as shown on maps produced by the Federal Emergency Management Agency.
- b. The area has characteristics which, if developed, would constitute an extreme hazard to the development, or contains lands which are a natural benefit by providing significant amounts of natural flood storage.

SIGNIFICANT ECOLOGICAL AREAS

EXCEPTIONAL FOREST OR PLANT COMMUNITY

- a. The proposed project is at least ten acres in size and contains old growth (with or without associated buffer), defined as long lived native species where the average age of the dominant trees is at least 150 years. Long lived native species means any of the following: Chestnut Oak, Swamp White Oak, Bur Oak, Chinquapin Oak, American Basswood, White Ash, Atlantic White Cedar, Yellow Birch, Sweet Birch, Pignut Hickory, Bitternut Hickory, Mockernut Hickory, Red Maple, Black Cherry, Butternut, Eastern Hemlock, White Pine, Sugar Maple, Tulip Poplar, American Sycamore, Shagbark Hickory, Red Oak, White Oak, Beech, Red Pine, Northern White Cedar, Black Spruce, Black Walnut, Red Spruce; or
- b. The proposed project contains plants or a plant community (with or without associated buffer) that is rare or unusual or offers the potential for the reintroduction of extirpated species. Rare or unusual is defined as having less than 100 existing sites in New York; or
- c. The project is a savanna or barren (with or without associated buffer). Savannas are defined as communities with a sparse canopy of trees (25 to 60% cover) and a ground layer that is either predominantly grassy or shrubby. Barrens are defined as upland woodland communities with a canopy of stunted or dwarfed trees (<16 feet tall) and/or contain typical species of pitch pine, oak species, or heaths. Woodland communities or savannas may also occur on shallow soils or bedrock with numerous rock outcrops.

SHORELINE PROTECTION

The project either:

- d. Has a natural protective feature as defined in section 34-0103 of the Environmental Conservation Law; or
- e. Directly abuts the shoreline of any tidal water, or a river, stream or lake; or

- f. Has characteristics the alteration of which may result in reduction of the water quality of, or modification of the water discharge to, the receiving water bodies, or will degrade the scenic or fish and wildlife values of the water body.

UNIQUE AREAS

- g. The proposed project possesses at least one of the following elements: special natural beauty, wilderness character, geological significance, ecological significance, historical or archaeological significance; and
- h. The proposed project must be of a character suitable for inclusion in the State Nature and Historical Preserve; and
- i. The proposed project must be located outside the Adirondack and Catskill Parks.

WETLANDS

FRESHWATER WETLANDS

- a. The proposed project is a freshwater wetland, with or without associated upland buffer, as defined in Article 24 of the Environmental Conservation Law; and by reason of the wetland benefits it provides, is clearly valuable when compared to the range of wetlands in the state; and
- b. the proposed project must possess two 15-point, or three 7-point, or one 15-point and one 7-point, substantially non-duplicative, wetland value characteristics as enumerated in the rating system for Freshwater Wetlands.

TIDAL WETLANDS

- a. The proposed project is a tidal wetland, with or without associated upland buffer, as defined in Article 25 of the Environmental Conservation Law, located in either the Marine and Coastal District as defined in section 13-0103 of the Environmental Conservation

Law or in the Hudson River Valley between the Tappan-Zee Bridge and the federal dam at Troy; or

- b. The proposed project is an inventoried tidal wetland with or without associated upland buffer.

WILDLIFE HABITAT

- a. The proposed project contributes to the state's biological diversity as a rare, unique or exemplary natural community and requires special protection and management as part of a state-administered system of representative ecosystems; or
- b. The proposed project, together with necessary buffer, is a biologically significant area in that it serves as a significant habitat for a species of interest or as a wildlife concentration area including, but not limited to, whitetail deer wintering areas, hawk migration sites, spawning/nursery areas for fish; or it is unusually productive or supports an exceptional assemblage of animal species, particularly rare or uncommon ones; or
- c. The proposed project contains the minimum geographic area, together with associated buffer, vital to continued use by a threatened or endangered species as defined in section 11-0535 of the Environmental Conservation Law.

BIODIVERSITY

The proposed project contributes to the state's biological diversity as a rare, unique, exemplary or significant natural community requiring special protection.

- a. The proposed project is a biologically significant area in that it serves as significant habitat for a species of fauna or flora; is significant habitat based on its rarity, size, condition, landscape setting, or ecological function; or it is unusually productive or supports an exceptional assemblage of plant or animal species.
- b. The proposed project contains the minimum geographic area, together with associated buffer, vital to continued use by a threatened or endangered species as defined in section 11-0535 of the Environmental Conservation Law, or other species considered rare, of special concern or exploitable vulnerable under New York State Environmental Conservation Law.

- c. The proposed project contributes to an existing regional, state or multijurisdictional biodiversity conservation initiative, including, but not limited to Hudson River Estuary Management Plan, Open Space Institute, Biodiversity Research Institute, The Nature Conservancy, and other types of biological diversity initiatives.
- d. The proposed project links similar and/or different habitat(s) together thereby creating a corridor and thus allowing for migration of fauna and flora species from one place to another.

RECREATIONAL OPPORTUNITIES
METROPOLITAN PARKS AND SHORELINES
Parks

Proposed project, if developed, can be adopted for the intended use or can be reclaimed at reasonable cost given its location (cost benefit) and minimal resource impact; and

- a. Proposed project is of sufficient size and configuration to accommodate the intended use or development; and
- b. The project must be located within or less than five miles from the borders of a recognized urban, suburban or other densely populated center (population > 10,000 people and density > 4,000 persons per square mile).

Shorelines

- a. The proposed project is physically contiguous to a lake, canal, navigable river, marine or other coastal water body and provides for direct access; and
- b. To the extent development is planned for, the proposed project is physically and environmentally developable; and
- c. The quality and extent of the water body is suitable for the contemplated use or development; and
- d. The proposed project must be accessible by the general public for recreational, cultural or educational purposes; and
- e. The project must be located in a municipality within a county containing at least 500,000 population; or within a county within a city with a population greater than 500,000; and
- f. The project, if developed, can be adapted for the intended use or can be reclaimed at reasonable cost given its location (cost benefit and minimal resource impact).

PARKLANDS

- a. Proposed project contains natural, scenic or open space resources that are unique, rare, or of statewide or regional significance; and
- b. Proposed project is of usable/manageable configuration and has suitable access; and
- c. Proposed project has potential for active or passive recreational use and development consistent with the carrying capacity of its natural resources.

PUBLIC FISHING RIGHTS

- a. The proposed project would consolidate or link together existing stream rights; or
- b. the proposed project is on a stream which supports, or is capable of supporting, viable populations of commercial or sport fish on a year round basis; or
- c. the proposed project is on a stream which is subject, or potentially subject, to seasonal “runs” of anadromous commercial or sport fish, whether or not it supports residency of such fish.

TRAILWAYS & GREENWAYS

Trailways

- a. The proposed project must be legally and physically accessible to the public, or be a portion of an identified trailways project which, when completed, will be legally and physically accessible to the public; and
- b. The proposed project must be physically and environmentally developable as a trailway; and
- c. The proposed project must help close existing gaps in the statewide recreationway network, or connect a population center with public lands, public parks or historic sites.

Greenways

Proposed project links parks or other public lands within a broader linear corridor that includes parks, open space areas, trails and other public lands with urban, suburban and rural areas.

WATERWAY ACCESS

- a. The proposed project is physically contiguous to a lake, canal, navigable river, marine or other coastal waterbody and provides for direct access; and
- b. To the extent development is planned for, the proposed project is physically and environmentally developable; and
- c. The quality and extent of the water body is suitable for the contemplated use or development; and
- d. The proposed project must be accessible by the general public for recreational, cultural or educational purposes.

DISTINCTIVE CHARACTER HISTORIC PRESERVATION

Historic Sites

- a. The proposed historic or archeological project is listed on the state or national register of historic places and is of sufficient significance in New York State history to qualify for inclusion in the OPRHP's Historic Sites System; and,
- b. The proposed project is sufficiently usable in terms of access and other physical characteristics to warrant actual operation by OPRHP or under agreement with other parties, as a historic site; and

Viewsheds

The proposed project contains lands which comprise the historic view out from a historic property or archeological site listed on the state or national register of historic places; or

Setting

The proposed project contains lands which comprise the view into a historic property or archeological site listed on the state or national register or the view from such a property or site; or

Buffer

The proposed project will control development, directly or indirectly, of lands contiguous to a historic property or archeological site listed on the state or national register of historic places; or

Boundary Reassembly

The proposed project will comprise land which was part of either the original boundaries of a historic property or archeological site listed on the state or national register of historic places, or the boundaries of such a property or site in its historic period.

WORKING LANDSCAPE

- a. The project is within an area, identified as an area of concern, that has historic tradition as supported by identified historic sites, areas of archaeological significance, or local reference and recognition of historic associations, and other relevant factors; or
- b. has environmental protection significance as indicated by the presence of significant habitat, protected natural resources, aquifers, and other relevant factors; or
- c. has scenic objectives as demonstrated through local planning, documented public concern or state designations, or identification in promotional material based on scenic values, and other relevant factors; and
- d. has significant productive capacity due to high quality soils, micro-climatic conditions, topography, economic characteristics including site economics, proximity to markets, and other similar factors.

HERITAGE AREAS

is located within a state designated Heritage Areas; and

- a. is identified in an heritage area management plan; and
- b. meets one or more of the four heritage area goals of preservation, education, recreation or economic development; and
- c. preserves, protects, or increases proper utilization of urban open space resources or values.

SCENIC RESOURCES

- a. exhibits outstanding arrangement of natural or man-made features (i.e., water features and/or land forms and/or vegetation patterns) that provide positive stimulation, hold interest and command attention of the viewing public; or
- b. contributes to the public enjoyment and/or appreciation of any established scenic resource.

ENHANCEMENT OF PUBLIC LANDS

ACCESS

- a. Proposed project would provide or assist in providing access to public land which has no access or limited access due to geographic barriers; or
- b. Proposed project will allow an environmentally acceptable through route for a trailway or vehicle access trail to public lands from an existing trail system or staging area; or
- c. Proposed project will reduce the length of a circuitous route taken by the public to access public lands.

BUFFER

Proposed project provides resource or facilities use protection from non-compatible or potentially non-compatible adjoining land use.

CONSOLIDATION

- a. Inholding. Proposed project eliminates conflicting use, encroachment or offers an operational advantage. Inholdings are properties that are bounded on at least three sides by public lands; or
- b. Contiguous Property. Proposed project is needed for expansion of facilities or recreation services; or
- c. Proposed project would connect two parcels of public land unconnected or meeting only on a common corner.

COASTAL AND ESTUARINE LAND CONSERVATION AREA

- a. The proposed project must be located within the Coastal and Estuarine Land Conservation Program planning area; and
- b. The proposed project must address CELCP priorities; and
- c. The proposed project must possess significant conservation, recreation, ecological, historical, or aesthetic values, or have such values threatened by conversion from their present natural or recreational state to other uses.

APPENDIX C

RESOURCE VALUE RATING SYSTEMS

The resource value rating systems for each category and subcategory follow:

FOREST PRESERVE

Adirondack and Catskill Forest Preserve Additions
Adirondack and Catskill Park Forest & Scenic Easements

WATER RESOURCE PROTECTION

Aquifer Recharge Areas
Watershed Protection (Water Supply Reservoir Protection
& Aquatic Ecosystem Protection)

SIGNIFICANT ECOLOGICAL AREAS

Exceptional Forest or Plant Community
Shoreline Protection
Unique Areas
Wetlands, Freshwater & Tidal
Wildlife Habitat
Biodiversity

RECREATIONAL OPPORTUNITY

Metropolitan Parks & Shorelines
Parklands
Public Fishing Rights
Trailways & Greenways
Waterway Access

DISTINCTIVE CHARACTER

Historic Preservation
Working Landscape
Heritage Area
Scenic Resources

ENHANCEMENT OF PUBLIC LANDS

Access
Buffer
Consolidation

COASTAL AND ESTUARINE LAND CONSERVATION AREA

CELCP Priorities
Conservation
Ecological
Recreation/Access
Historic/Aesthetic

Note: Throughout Appendix C an urban area is defined as having a population >10,000 or density >4,000 persons per square mile.

A. ADIRONDACK AND CATSKILL FOREST PRESERVE

1. ADIRONDACK AND CATSKILL FOREST PRESERVE ADDITIONS

The maximum value is: (100)

Characteristic	Rating
a. The proposed project contributes to the preservation of a river corridor designated as Wild, Scenic or Recreational or eligible for inclusion in the Wild, Scenic or Recreational River System pursuant to Title 27 of Article 15 of the Environmental Conservation Law, and/or provides public access thereto.	10
b. It conforms the unit boundary to ecological or geographical features;	
(i) entirely;	10
(ii) significantly ($\geq 66\%$);	6
(iii) somewhat ($< 66\%$).	4
c. Proposed project provides for consolidation of existing Forest Preserve unit.	
(iv) interior holding surrounded by Forest Preserve;	15
(v) bounded on 3 sides by Forest Preserve;	8
(vi) adjoins Forest Preserve on two sides;	6
(vii) adjoins Forest Preserve on one side.	3
d. Proposed project will provide new or enhance existing recreational opportunities.	
(i) Choose one:	
(a) Project provides six or more opportunities for a variety of both land and water related recreational activities; or	10
(b) project provides two to five opportunities for a variety of either land or water related recreational activities; or	8
(c) project provides for a single purpose recreational opportunity of either a land or water related activity.	2
(ii) Choose one:	
(a) Project provides alternate recreational opportunities within 10 miles of an existing recreational area which is currently experiencing high use; or	10
(b) project provides a type(s) of recreational opportunity to a geographical area where there is a documented demand for such use(s) but which currently has little or no such recreational opportunity; or	10
(c) project provides additional recreational opportunity to an area which is not presently experiencing high use.	2

- e. Proposed project preserves scenic areas or views, including scenic highway corridors where manipulation of vegetation is not required to maintain the area or views. It exhibits outstanding arrangement of natural features that provides positive stimulation, holds interest and commands attention of viewing public. Features include:
 - (i) water; 10
 - (ii) landforms; 10
 - (iii) vegetation patterns. 10

- f. Proposed project provides or enhances access to inaccessible or poorly accessible portions of Forest Preserve.
 - (i) The proposed project would provide access or assist in providing access to Forest Preserve which presently has no existing access open to the public; or 15
 - (ii) the proposed project would provide access or assist in providing access to Forest Preserve to which existing access is poor because of physical barriers, including barriers to access by the physically challenged; or 10
 - (iii) the proposed project would reduce the length of a circuitous route of more than three miles necessary for public use of existing Forest Preserve. 8

2. ADIRONDACK AND CATSKILL PARK FOREST & SCENIC EASEMENTS

The maximum value is: (100)

Characteristics Rating

- b. Proposed project will provide new or enhance existing recreational opportunities.
 - (i) Choose one:
 - (a) Project provides five or more opportunities for a variety of both land and water related recreational activities; 10
 - (b) project provides between two and five opportunities for a variety of either land or water related recreational activities; or 5
 - (c) project provides for a single purpose recreational opportunity of either a land or water related activity. 1

 - (ii) Choose one:
 - (a) Project provides alternate recreational opportunities for an existing recreational area which is currently experiencing high use; 10
 - (b) project provides recreational opportunity to a geographical area where there is a demand for recreational use but which currently has little or no recreational opportunity; or 10

(c)	project provides additional opportunity to an area which is not presently experiencing high use.	1
c.	The proposed project:	(30)
(i)	protects threatened or endangered plant or animal species;	10
(ii)	protects significant habitats;	10
(iii)	protects rare natural communities;	10
(iv)	protects Class I regulated wetlands; or	10
(v)	protects undeveloped shorelines of importance. Importance is defined by designation as: ① a wild, scenic or recreational river; ② critical environmental area; ③ scenic area of statewide importance; or ④ national natural landmark.	10
d.	Proposed project protects recognized scenic areas or views, including scenic highway corridors that require the manipulation of vegetation to preserve.	5
e.	Proposed project provides or enhances access to inaccessible or poorly accessible portions of Forest Preserve or other lands or waters.	
(i)	The proposed project would provide access or assist in providing access to public lands or waters which presently have no existing access open to the public; or	5
(ii)	the proposed project would provide access or assists in providing access to public lands or waters to which existing access is poor because of physical barriers; or	3
(iii)	the proposed project would reduce the length of a circuitous route of three miles or more necessary for public use of existing public lands or waters.	1

If the project is a forest land easement, continue with section “e”; or if a scenic easement, continue with section “f”

f.	The value of the continuation of forestry uses is determined by application of the following rating scale. The maximum value is:	(40)
(i)	Productivity factor. Rate the overall productivity of the project using such factors as soils, income potential, species composition, products produced, significance to industry, and other relevant factors:	
(a)	high;	20
(b)	medium;	10
(c)	low.	5
(ii)	Survival factor. Rate the likelihood of the project continuing in present use using such factors as: capital investment, product demand, owner commitment, accessibility and other relevant factors:	
(a)	high;	20
(b)	medium;	10
(c)	low.	5

- g. The present degree of development and extent of viewshed proposed for protection is determined by the application of the following rating scale. The maximum value is: (40)
- (i) Current degree of development as expressed as a percent of maximum buildout allowed under existing zoning:
 - (a) $\leq 20\%$ 20
 - (b) $>20\%$ and $\leq 50\%$ 10
 - (c) $>50\%$ and $\leq 70\%$ 5
 - (ii) Ration of project acreage within either 500 feet of mean high water or 1000 feet of public viewing point (highway, trail, etc.) to total project acreage is not less than 40%:
 - (a) $>75\%$ 20
 - (b) 60% to $<75\%$ 10
 - (c) $\geq 40\%$ and $<60\%$ 5

B. WATER RESOURCES

1. AQUIFER RECHARGE AREAS

The maximum value is (100)

Characteristics	Rating
h. Type of aquifer protected:	
(i) recharge area for primary public water supply aquifer; or	35
(ii) deep flow recharge area on Long Island; or	35
(iii) recharge area for principal aquifer; or	20
(iv) recharge area for public water supply.	20
i. Recharge area within the well-head protection zone, which is defined as a surface and sub-surface area designated by the Department, surrounding a well or wellfield supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield;	
(i) includes lands within 750 feet of well; or	
(ii)	35
(iii) includes lands within 1,500 feet of well;	20
j. The project is contiguous to lands owned by the water supplier or the state.	15
k. The project is within an area designated for acquisition in a plan certified by the commissioner pursuant to section 55-0117 of the Environmental Conservation Law for a special groundwater protection area.	15

2. WATERSHED PROTECTION *(use one of the following two subcategories)*

NEW YORK CITY RESERVOIR PROTECTION

The maximum value is (100)

Characteristics	Rating
-----------------	--------

If the project is located within the New York City Watershed, score the project according to criterion listed in a - b, as well as criterion contained in c - g.

a. West-of-Hudson (Catskill-Delaware System)	
(i) Priority 1A - Sub-basins near intake within 60-day travel time.	25
(ii) Priority 1B - Other sub-basins within 60-day travel time.	20
(iii) Priority 2 - Other sub-basins within terminal reservoir basins	15
(iv) Priority 3 - Sub-basins with identified water quality problems	10
(v) Priority 4 - Remaining sub-basins in non-terminal reservoir basins	5

- b. East-of-Hudson (Catskill-Delaware System and Croton Basins)
 - (i) Priority 1A (Catskill Delaware Basins) - Sub-basins near intake within 60-day travel time. 25
 - (ii) Priority 1B (Catskill Delaware Basins) - Other sub-basins within 60-day travel time. . . 20
 - (iii) Priority A (Croton Basin) - Other sub-basins within terminal reservoir basins 15
 - (iv) Priority B (Croton Basin)- Sub-basins with identified water quality problems 10
 - (v) Priority C (Croton Basin)- Remaining sub-basins in non-terminal reservoir basins 5

Only one score may be selected for items c-e below.

- c. The project has frontage on a water supply reservoir and extends to the limits of the flood plain or 500 feet from the reservoir whichever is greater.
 - (i) The project is within 1,000 feet of a water supply intake. 45
 - (ii) The project is more than 1,000 feet distant from a water supply intake.... 40
- d. The project has frontage on a river or, stream or wetland directly tributary to the reservoir and extends landward to the limits of the flood plain or 250 feet from the water body whichever is greater.
 - (iii) The tributary at the project site contributes more than 50% of the annual volume of runoff to the reservoir 40
 - (iv) The tributary at the project site contributes more than 25%, and less than 50% of the annual volume of runoff to the reservoir 35
 - (v) The tributary at the project site contributes more than 15%, and less than 25% of the annual volume of runoff to the reservoir 30
- e. The project has frontage on a perennial stream or wetland in the watershed and extends landward to the limits of the flood plain or 250 feet from the stream or wetland, whichever is greater 30
- f. The project is contiguous to lands owned by the reservoir owner or the state.... 15
- g. The project contains lands with particular potential to produce runoff which may impair the use of the reservoir, such as: areas of moderate or steep slope, areas with highly erodible soils, or areas of existing or potential land use inconsistent with water supply protection 5-40

WATER SUPPLY RESERVOIR PROTECTION

The maximum value is (100)

Characteristics Rating

Only one score may be selected from items a-c below.

- a. The project has frontage on a water supply reservoir and extends landward to the limits of the flood plain or 500 feet from the reservoir whichever is greater.
 - (i) The project is within 1,000 feet of a water supply intake. 45

(ii)	The project is more than 1,000 feet distant from a water supply intake.	40
b.	The project has frontage on a river or stream directly tributary to the reservoir and extends landward to the limits of the flood plain or 250 feet from the water body whichever is greater.	
(iii)	The tributary at the project site contributes more than 50% of the annual volume of runoff to the reservoir.	40
(iv)	The tributary at the project site contributes more than 25%, and less than 50% of the annual volume of runoff to the reservoir.	35
(v)	The tributary at the project site contributes more than 15%, and less than 25%, of the annual volume of runoff to the reservoir.	30
c.	The project has frontage on a perennial stream in the watershed and extends landward to the limits of the flood plain or 250 feet from the stream, whichever is greater.	30
d.	The project is contiguous to lands owned by the reservoir owner or the state.	15
e.	The project contains lands with particular potential to produce runoff which may impair the use of the reservoir, such as: areas of moderate or steep slope, areas with highly erodible soils, or areas of existing or potential land use inconsistent with water supply protection.	5-40

AQUATIC ECOSYSTEM PROTECTION

The maximum value is (100)

Characteristics	Rating
a.	Proposed project is upstream or adjacent to water body section that has been identified as serving as critical habitat for recreationally or ecologically important aquatic species.
	Spawning and Nursery 30
	Thermal Refuge 20
	Spawning 10
	Nursery 10
b.	Proposed project is adjacent to or upstream of stream with mean stream width (larger streams that are currently capable of supporting large biomass of wild trout are more valuable)
	≥ 20 ft 20
	≥ 10 ft and < 20 ft 10
	< 10 ft 5

- c. Proposed project is upstream or adjacent to water body section that harbors state endangered, threatened, or special concern species
 - Endangered 30
 - Threatened 20
 - Special Concern 10

- d. Proposed project is upstream of or adjacent to water body section that supports a wild trout biomass:
 - ≥ 60 pounds per acre 20
 - ≥ 30 but < 60 pounds per acre 10
 - ≥ 10 but < 30 pounds per acre 5

3. FLOODPLAIN PRESERVATION

The maximum value is 100

Characteristics	Rating
a. The project contains a significant area of mapped floodway, which is the part of the floodplain which receives rapidly moving floodwaters.	30
b. The project provides natural flood storage which would cause a flood rise at any downstream location of	
i. One inch to one foot	20
ii. One foot to two feet	30
iii. Over two feet	40
c. The project contains wetlands	30
d. The project contains erosion hazard areas	30
e. The project contains lands that would be inundated during the one percent annual flood to depth of	
i. Under two feet	20
ii. Two to five feet	30
iii. Over five feet	40

C. SIGNIFICANT ECOLOGICAL AREAS

1. EXCEPTIONAL FOREST OR PLANT COMMUNITY

The maximum value is: (100)

Characteristics	Rating
-----------------	--------

Rate on either (a), or (b), or (c) first, and then rate on (d).

- | | | |
|----|--|----|
| a. | Average age of dominant trees: | |
| | (i) over 250 years; | 50 |
| | (ii) over 200 but less than 250 years; | 40 |
| | (iii) over 150 but less than 200 years. | 30 |
| b. | Rarity of the species, throughout its range: | |
| | (i) five or fewer existing sites and critically imperiled; | 50 |
| | (ii) between 6 and 20 existing sites; | 40 |
| | (iii) between 21 and 99 existing sites; | 30 |
| | (iv) historic or extirpated. | 25 |
| c. | Woodland communities of savannas or barrens: | |
| | (i) community's species typical of savanna or barrens, with non-typical species comprising less than 50% of total cover; | 50 |
| | (ii) community's species typical of savanna or barrens, with non-typical species comprising 51% to 75% of total cover; | 40 |
| | (iii) community's species typical of savanna or barrens, with non-typical species comprising greater than 75% of cover; | 30 |
| d. | Rarity of the community in New York: | |
| | (i) < 6 sites; | 50 |
| | (ii) between 6 and 20 sites; | 40 |
| | (iii) between 21 and 99 sites; | 30 |
| | (iv) > 99 sites; | 25 |
| | (v) historic or extirpated. | 25 |

SHORELINE PROTECTION

The maximum value is: (100)

Characteristic	Rating
----------------	--------

- | | | |
|----|---|----|
| a. | Proposed project is adjacent to a water body which is classified no lower than C (freshwater) or SC (saltwater) per Title 6, Chapter X, Parts 700-705 of NYCRR. | |
| | (i) A or SA, or better; | 25 |
| | (ii) B or SB; | 15 |
| | (iii) C or SC. | 10 |
| b. | Ratio of project acreage within 500 feet of mean high water, to total project acreage, is not less than 40%: | |

- (i) 75% or greater; 25
- (ii) 60 - 74%; 15
- (iii) 40 - 59%. 10

- c. Adjacent water body has been recognized as important: (15)
 - (i) Wild, Scenic and Recreational Rivers (federal or state); 5
 - (ii) Critical Environmental Area; 5
 - (iii) Scenic Areas of Statewide Significance; 5
 - (iv) National Rivers Inventory Study, under State Wild, Scenic and Recreational Rivers; 5
 - (v) National Natural Landmark; 5
 - (vi) National Estuary or National Estuarine Research Reserve; 5

- d. Designated Resource Areas: (5)
 - (i) Wetland improved through the 1972 EQBA Municipal Wetlands Restoration Projects; 5
 - (ii) Significant Coastal Fish and Wildlife Areas; 5
 - (iii) Water improved through funding from the Clean Water Act; 5
 - (iv) Significant historic or cultural resource areas; 5

- e. Existing Development Factor:
 - (i) water body is heavily developed (project is the last or one of the last undeveloped parcels on the waterbody); or 30
 - (ii) water body is moderately developed; or 20
 - (iii) water body is lightly developed, or 10
 - (iv) water body is undeveloped. 5

2. UNIQUE AREA

The maximum value is: (100)

Characteristics	Rating
-----------------	--------

- | | |
|---|--|
| <p>a. Relative Uniqueness. Exceptional and/or rare example of an outstanding arrangement of natural beauty or man-made features, wilderness character, geological significance, ecological significance, historical or archaeological significance:</p> <ul style="list-style-type: none"> (i) one of a kind in the country; 55 (ii) one of a kind in the Northeast; 40 (iii) one of a kind in the state; 30 (iv) one of a kind in a region appropriate to the resource being rated; 20 (v) best of a kind in a county. 10 | |
| <p>b. Specific Values. Evaluate each proposed project for its primary value only, according to the rating system for that value set forth below.</p> <ul style="list-style-type: none"> (i) Outstanding Natural Beauty or Man-Made Features. Additional consideration of 1 point should be given for each example of outstanding arrangements of natural or man-made features such as water features and/or landforms and/or vegetation patterns that provide positive stimulation, hold interest and command the attention of the viewing public up to a maximum of 5; 1-5 | |

- (ii) Wilderness Character. The acreage of primeval character undisturbed by human influences:
 - (a) ≥ 1000 acres; 5
 - (b) > 500 acres but < 1000 acres; 3
 - (c) ≤ 500 acres. 1
- (iii) Geological Significance. Additional consideration of 1 point should be given for each distinct type of paleontological relic or physical geological feature recorded on the property to a maximum of 5; 1-5
- (iv) Ecological Significance. Additional consideration of 1 point should be given for each animal or plant species which has been recorded on the property and which is listed on the federal, international and/or New York State rosters of species identified as endangered, threatened, rare, or of special concern, to a maximum of 5 species. 1-5
- (v) Historical Significance. Additional consideration on 1 point should be given for each distinct type of historical or archaeological object, feature or culture which has been recorded on, or associated with the property, maximum of 5. 1-5

c. Miscellaneous Values.

- (i) Property (or part thereof) has been designated as a National Natural Landmark (NNL). 15
- (ii) Property (or part thereof) has been designated as a National Historic Landmark (NHL). 15
- (iii) Property (or part thereof) has been included in the National or State Register of Historic Places, or is deemed eligible for such listing (exclusive of NHL designation). 10
- (iv) Property has received a high ranking within the NYS Natural Heritage Program (exclusive of NNL designation). 10
- (v) Property is adjacent to, near, or visually accessible from a State Historic Site, National Historic Site, or a site, park, recreation area or nature preserve owned by a public or qualified not-for-profit entity. 5

- d. Recreational Factor. Prospective recreational uses are in harmony with the area's unique values. 5

1. WETLANDS

The maximum value is: (100)

<u>Characteristic</u>	<u>Rating</u>
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A. FRESHWATER WETLANDS

In assigning points to a given wetland, it must be recognized that freshwater wetlands are a diverse group and exhibit different characteristics depending on the type of wetland being considered.

Thus, although there are more points available in this rating system than the 100 maximum, many of the wetland value characteristics are mutually exclusive, pertaining to very different wetland types. Notwithstanding the fact that a few of the very best wetlands in the state could conceivably score more than 100 points. The proposed freshwater wetland:

- (i) supports animal species in abundance or diversity unusual for the state or the region of the state in which it is found; 15
- (ii) is tributary to a body of water which could subject a substantially developed area to significant damage from flooding should the wetlands be modified, filled or drained; 15
- (iii) is adjacent or contiguous to a reservoir or other body of water that is used primarily for public water supply; 15
- (iv) has exceptional recreational potential, especially in view of its proximity to major centers of population; 15
- (v) is in a Focus Area as identified in the Lower Great Lakes - St. Lawrence Basin Joint Venture or Atlantic Coast Joint Venture Plans of the North American Waterfowl Management Plan; 15
- (vi) constitutes a headwater source of any stream with a (TS) classification; 15
- (vii) is or contains a rare wetland natural community, such as, but not limited to, the following: classic kettlehole bog, inland salt marsh, rich fen, patterned peatland, or Atlantic white cedar swamp; 15
- (viii) is an emergent marsh in which purple loosestrife and/or reed (phragmites) constitute less than one third of the cover type; 7
- (ix) contains two or more of the following wetland structural groups; emergent herbaceous cover types, consisting of emergent and/or wet meadow vegetation constituting at least 25 percent of the area of the wetland; woody cover types, consisting of deciduous swamp, coniferous swamp and/or shrub swamp constituting at least 25 percent of the area of the wetland; water cover types, consisting of submergent vegetation, floating vegetation and/or wetland open water constituting at least 15 percent of the area of the wetland; 7
- (x) is contiguous to a tidal wetland; 7
- (xi) is associated with permanent open water outside the wetland; 7
- (xii) is adjacent or contiguous to streams classified C(t) or higher under Article 15 of the Environmental Conservation Law; 7
- (xiii) is resident habitat of an animal species vulnerable in the State; 7
- (xiv) supports animal species in abundance or diversity unusual for the county in which it is found; 7

(xv)	is tributary to a body of water which could subject a lightly developed area, an area used for growing crops for harvest, or an area planned for development by a local planning authority, to significant damage from flooding or from additional flooding should the wetland be modified, filled or drained;	7
(xvi)	is within or near an urbanized area;	7
(xvii)	is one of the three largest wetlands within the city, town, or New York City borough;	7
(xviii)	is part of a surface water system with permanent open water and receives significant pollution of a type amenable to amelioration by wetlands;	7
(xix)	contains an upland island;	2
(xx)	has a total alkalinity of at least 100 parts per million;	2
(xxi)	is adjacent to fertile upland;	2
(xxii)	is resident habitat of an animal species vulnerable in the region of the State in which it is found, or is traditional migration habitat of an animal species vulnerable in the State or in the region of the State in which it is found;	2
(xxiii)	contains a plant species vulnerable in the region of the State in which it is found;	2
(xxvi)	is visible from an interstate highway, a parkway, a designated scenic highway or a passenger railroad, and serves a valuable aesthetic or open space function;	2
(xxv)	is one of the three largest wetlands of the same cover type within a town	2
(xxvi)	is in a town in which wetland acreage is less than one percent of the total acreage.	2

B. TIDAL WETLANDS

The proposed tidal wetland:

(i)	supports and contributes to the productivity of the marine or estuarine ecosystem;	20
(ii)	is accessible and amenable to management for the enhancement or continued viability of wetlands characteristics;	5
(iii)	is accessible for public use, or	5
	is potentially accessible for public use;	2.5

- (vi) includes habitat for rare, threatened or endangered species or rare natural communities, or has potential, through restoration, to provide such habitat or communities; 5
- (v) is in proximity to recreational or commercial marine or estuarine finfish or crustacea harvest areas; 5
- (vi) is in proximity to a commercially valuable shellfish harvesting area; 5
- (vii) is contiguous to other federal, state, local governmental or qualified not-for-profit conservation organization preserves; 5
- (viii) has total acreage, including contiguous preserves owned by federal, state, local governments or not-for-profit conservation organizations which exceeds 75 acres; 5
- (ix) provides diverse habitat and contributes to diversity of the marine or estuarine ecosystem from a state and global perspective by containing one or more of the following:
 - a. intertidal marsh; 16
 - b. high marsh; 11
 - c. fresh coastal marsh; 8
 - d. shoals, bars and mudflats; 6
 - e. freshwater-tidal wetland interface. 4

5. WILDLIFE HABITAT

One point score is selected from each of the five categories of species or habitat characteristics. A score of 0 in any of the categories will disqualify a project from further consideration. For purposes of this rating system, wildlife shall mean all fish, amphibians, reptiles, birds, mammals, shellfish, and invertebrates.

The maximum value is: (100)

Characteristic	Rating
a. Species Value:	
(i) endangered species habitat;	35
(ii) threatened species habitat;	30
(iii) concentration of a species <u>or</u> unusual combination of species;	25
(iv) rare species <u>or</u> a species of limited distribution;	15
(v) common species <u>and</u> widely distributed.	0
b. Habitat Rarity. Species <u>or</u> Species Combination Occurs at:	
(i) 25 or fewer sites in State;	30
(ii) 50 or fewer sites in State;	20
(iii) 100 or fewer sites in State;	10
(iv) 200 or fewer sites in State;	5
(v) more than 200 sites in State.	0
c. Population Size. Contains one of the:	
(i) 10 largest concentrations in State;	20
(ii) 40 largest concentrations in State;	15

- (iii) 75 largest concentrations in State; 10
- (iv) 125 largest concentrations in State; 5
- d. Habitat Quality:
 - (i) high quality habitat for this species or combination of species; 10
 - (ii) medium quality habitat for the species or low quality habitat, but restorable; 5
 - (iii) low quality habitat and not restorable. 0
- e. Population Permanence:
 - (i) regular or predictable use; 5
 - (ii) highly unpredictable or ephemeral use; 0

6. BIODIVERSITY

The maximum value is: (100)

Characteristic Rating

a. Biodiversity Potential of Proposed Project

- (i) area protects an animal listed as endangered, threatened or special concern under New York State Environmental Conservation Law . . . 10
- (ii) area protects a plant listed as endangered, threatened, rare or exploitably vulnerable under New York State Environmental Conservation Law; . 10
- (iii) area protects a natural community that is rated as S1, S2, S3, G1, G2, or G3 by the New York Natural Heritage Program because of its rarity, size, condition or landscape setting; 10
- (iv) area contributes to an existing regional, state or multijurisdictional biodiversity conservation initiative; 10
- (v) area protects a species that is at the periphery of its range in New York or is restricted to narrow ecological zones; 10
- (vi) additional consideration of 1 point should be given for each animal or plant species that has been recorded on the property that is listed on the New York rosters of species identified as endangered, threatened, rare, special concern, or exploitably vulnerable, to a maximum of four species;4
- (vii) is or contains a rare wetland natural community, such as, but not limited to, the following: classic kettlehole bog, inland salt marsh, rich fen, patterned peatland, or Atlantic white cedar swamp; 15
- (viii) is an emergent marsh in which purple loosestrife and/or reed (phragmites) constitute less than one third of the cover type; 7

b. Overall Habitat Quality:

- (i) High quality habitat for a species or combination of species3

- (ii) Medium quality habitat for a species or combination of species, or low quality habitat, but restorable.....2
- (iii) Low quality habitat for a species or combination of species and not restorable.....0

c. Parcel Design

- (i) area expands an existing parcel (by at least 10 percent) that already protects a biodiversity conservation target; 10
- (ii) area is large enough to adequately support the fauna and/or flora present at the site, taking into considerations the shape (area:perimeter ratio) of the parcel and surrounding land use(s); 10
- (iii) area creates a buffer zone or otherwise enhances (e.g., reduces negative edge effects) the viability of the conservation target and ensures that the ecological processes upon which the species or habitat depends on may function properly (e.g., flooding, fire); 10
- (iv) area links habitat(s) of animals or plants listed as endangered, threatened, rare, special concern, exploitably vulnerable, or protected under New York State Environmental Conservation Law to encourage gene flow between isolated populations or demes, or creates corridors for migration and/or dispersal of other fauna and flora species; 10

d. Management Considerations

- (i) area requires no active management to sustain biodiversity conservation target; 3
- (ii) area requires minimal active management to sustain biodiversity conservation; 2
- (iii) area creates a buffer zone or otherwise enhances (e.g., reduces negative edge effects) the viability of the conservation target and ensures that the ecological processes upon which the species or habitat depends on may function properly (e.g., flooding, fire); 1

D. RECREATIONAL OPPORTUNITY

1. METROPOLITAN PARKS AND SHORELINES

The maximum value is: (100)

Characteristic _____ Rating

A. METROPOLITAN PARKS

- (i) Need for the proposed project is based on SCORP needs analysis:
 - a. 8-10; 30
 - b. 5-7; 20
 - c. <5. 10

- (ii) Degree of urbanization, population per square mile:
 - a. 0-199; 5
 - b. 200-499; 10
 - c. 500-999 15
 - d. 1000-2499 20
 - e. 2500 25

- (iii) Resource value: (20)
 - a. proposed project exhibits outstanding arrangements of natural or man-made features (*i.e.*, water features and/or land forms and/or vegetation patterns) that provide positive stimulation, hold interest and command attention of viewing public; 10
 - b. proposed project contains natural, fish and wildlife, scenic, open space or cultural resources that are unique, rare or of statewide or regional significance. 10

- (iv) Proposed project provides a buffer from non-compatible adjoining land uses. 5

- (V) Proposed project is accessible by the general public via: ... (10)
 - a. a Class I, II, III designated bikeway; 5
 - b. a locally franchised mass transportation system. 5

- (Vi) Relative financial status of residents in area served:
 - a. percentage of residents below 125% of poverty level exceeds statewide figure (by county); 5
 - b. Public assistance expenditures *per capita* exceeds 100% of statewide figure (by county) excluding New York City.5

B. METROPOLITAN SHORELINES

Rating Criteria _____ Rating

- (i) Proposed project is on a waterbody within an area that has a prior, established, formal status, *i.e.* (30)
 - a. designated as national or state wild, scenic, or recreational; 10

- b. site, area, lake or reservoir designated or eligible for designation as scenic pursuant to ECL, Article 49; or area designated as a State Heritage Area; or designated as scenic area of statewide significance by Department of State; 10
 - c. identified in a Local Waterfront Revitalization Plan; 10
 - d. area designated as a National Estuary; 10
 - e. designated wetlands; 10
 - f. wetland improved through the EQBA-Municipal Wetlands Restoration Projects; 10
 - g. Significant Coastal Fish and Wildlife Areas; 10
 - h. water improved through funding from the Clean Waters Act; 10
 - i. significant historic or cultural resource areas. 10
- (ii) Proposed project would provide access where none exists presently, or where existing access is inadequate, undevelopable, or restricted:
 - a. no general public access exists; 15
 - b. access is undeveloped or restricted; 10
 - c. access is inadequate. 5
 - (iii) Proposed project would fulfill public demand as identified in SCORP, the joint OPRHP/DEC 1990 Boat Facilities Use Survey, the Marine District Access Plan or similar study. (35)
 - a. Demand as identified in the joint 1990 OPRHP/DEC Boating Facilities Use Survey. Project is on a water named in the:
 - 1. upper ¼ of the list; 35
 - 2. 2nd ¼ of the list; 20
 - 3. 3rd ¼ of the list; 10
 - 4. lowest ¼ of the list. 5

OR
 - b. Demand as identified in the SCORP needs analysis:
 - 1. 8-10; 35
 - 2. 5-7; 20
 - 3. <5. 10

OR
 - c. Project area recommended by the Marine District Access Plan. . . . 35
 - (iv) Proposed project provides a buffer from non-compatible adjoining land uses. 10
 - (v) Proposed project is accessible by the general public via: (10)
 - a. a Class I, II, III designated bikeway; 5
 - b. a locally franchised mass transportation system. 5

2. PARKLANDS

The maximum value is: (100)

Characteristic	Rating
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For Headings **1. and 2.** choose either:

Column A ~ Open Natural Areas, or		
Column B ~ Recreation Areas	-A-	-B-

- a. Resource value of functional units. Maximum score: (40) (20)
 - (i) Proposed project protects species listed as: (10) (5)

a.	Endangered or threatened species	10	5
	-OR-		
b.	Species of Special Concern; or species that are rare, exploitable or vulnerable as identified on DEC or DOS lists.	5	3
(ii)	Proposed project protects wetlands:	(10)	(5)
a.	Class I or intertidal or high marsh;	10	5
b.	Class II or fresh coastal marsh or shoals, bars or mudflats;	5	3
c.	Class III or tidal-freshwater interface.	1	1
(iii)	Proposed project contains significant habitat areas identified on DEC or DOS or Natural Heritage inventories.	10	5
(iv)	Proposed project is within a scenic district area, or corridor designated pursuant to Article 49 of the Environmental Conservation Law.	4	3
	-OR-		
	Proposed project has scenic vistas of statewide or regional significance.	4	3
(v)	Proposed project provides frontage on a lake, pond or river of statewide or regional significance.	3	1
(vi)	Proposed project protects significant historical or cultural resources.	3	1
b.	Recreation value. Need for proposed project based on SCORP recreation needs analysis.		
(i)	8-10	20	40
(ii)	5-7	15	20
(iii)	< 5	10	10
	-OR-		
	Proposed project provides opportunities for passive (including fish and wildlife) recreation.	(20)	(40)
(iv)	60% of the project is suitable for the intended passive recreational activity.	8	15
(v)	Proposed project possess a variety of diverse habitats that support the intended recreational activity.	8	15
(vi)	Need of proposed project based on SCORP recreation needs analysis. (5 or greater)	4	10
Continue with the following (c,d&e) for both Open Natural Areas and Recreation.			
c.	Resource Management		(15)
(i)	The proposed project will allow for the relocation or redistribution of existing recreational facilities to improve the protection and management of the natural and cultural resources.		5
(ii)	Proposed project provides protection of a water resource, including lake, stream, groundwater aquifer.		5
(iii)	Proposed project provides a buffer from non-compatible adjoining land uses or will eliminate an inholding.		5
(iv)	Proposed project will link or consolidate public recreation or natural or cultural resource areas.		5

(v)	Proposed project is free of man-made intrusions or can be reclaimed at reasonable cost and minimal resource impact.	5
(vi)	Proposed project provides for active management of the natural resource base.	5
d.	Proposed project will create a cohesive land holding of:	
(i)	1,000+ acres;	10
(ii)	500-999 acres;	8
(iii)	100-499 acres;	5
(iv)	5-99 acres.	1
e.	Proposed project is within 25 miles of the boundary of a defined urban area.	15

3. PUBLIC FISHING RIGHTS

Classification. In applying this ranking system, the proposed project will be assigned to one of the following classifications:

- Coldwater Streams which are defined as those where trout (salmonids) predominate; or
- Warmwater Streams which are defined as those where non-trout, commercial or sport fish predominate; or
- Tributaries of the Hudson River which are defined as any tributary of the Hudson River, south of the federal dam at Troy, upstream to the first barrier impassable to fish.

Proposed acquisition projects once so classified will be evaluated using the rating system only against other proposed projects within the same classification.

The maximum value is: (100)

<u>Characteristic</u>	<u>Rating</u>
a. Stream Quality. Stream quality reflects the overall condition of selected stream characteristics including water quality; stability of flow; summer water temperatures; stream bank stability and cover; number and quality of spawning and nursery grounds for important species of sport fishes. It also reflects stream productivity or the capacity of the stream to grow and support a harvestable crop of fish:	
(i) very high;	37
(ii) high;	20
(iii) average;	9
(iv) low.	2
b. Stream Width. Special consideration is given to stream width because of its direct relationship to the capacity of the stream to provide fishing grounds, absorb fishing pressure, and the total productive area per mile of stream:	
(i) ≥20 feet;	10
(ii) ≥10 and <20 feet;	6
(iii) <10 feet.	2
c. Fishing Quality. Consideration is given to the following factors:	
● Uniqueness of the fishery, including use by anadromous fishes;	

- Species composition and desirability for sport fishing or as food fishes;
- Abundance and size of fishes;
- Relative intensity of fishing pressure and its effect on fishing quality;
- Aesthetic factors including scenic aspects of adjacent lands, degree of pollution, historical or traditional aspects associated with the fishery;
- Relative rarity of this type of sport fishing in the region.
 - (i) very high; 37
 - (ii) high; 20
 - (iii) medium; 10
 - (iv) low. 2

- d. Accessibility. Consider the following factors:
- Proximity to human population centers;
 - Distance that fishable sections lie from the nearest public road;
 - Parking convenience:
 - (i) very accessible; 9
 - (ii) moderately accessible; 6
 - (iii) access difficult. 4

e. Outstanding Streams. Following calculation of the natural resource value rating a range of point totals from 10 to 93 will result. Streams achieving a 93 point total will be classed "Outstanding" as a group, and will be further evaluated for the assignment of bonus points according to the following additional criteria:

- (i) stream supports substantial recognized multi-species salmon run providing an extended fishing season for trophy class fish... Add 3 points
- (ii) stream meets above criteria and currently provides in excess of 150,000 angler trips per year and/or currently receives unacceptably high use per unit area of public water. Add 4 points

Outstanding streams will thus receive ratings of 93, 96, 97 or 100.

4. TRAILWAYS & GREENWAYS

The maximum value is: (100)

Characteristic	Rating
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A. TRAILWAYS

- (i) Proposed project enhances the following trail systems: (20)
 - a. designated national trail, or statewide recreationway system; 20
 - b. regional recreationway system; 15
 - c. local trail system. 5
- (ii) Proposed project utilizes an existing corridor (*i.e.*, railroad right-of-way, canal towpath, utility lines). 10
- (iii) Proposed project will have multiple, year-round uses. 10

(iv)	Proposed project connects parks, significant fish and wildlife habitat areas, public lands or historic sites with parks, cultural resources, designated heritage areas and/or urban centers.	15
(v) P	roposed project will improve continuity of a trail system:	
a.	less than 5 miles in length;	5
b.	5-10 miles in length;	10
c.	over 10 miles in length.	20
(vi)	Need of the proposed project is based on SCORP recreation needs analysis (Index of Need):	
a.	8-10;	10
b.	5-7;	8
c.	< 5.	5
1.	Proposed project is within 25 miles of the boundary of a defined urban area.	15

B. GREENWAYS

(i)	Proposed project links:	(20)
a.	urban areas with the countryside;	10
b.	public lands and/or historic sites with other public lands, or private land with public easements;	10
c.	greenbelts around urban and suburban areas.	10
(ii)	Resource value of functional units:	(30)
a.	Proposed project protects species listed as:	
	1) Endangered or threatened species; or	10
	2) Species of Special Concern; or that are rare, exploitable, or vulnerable as identified on DEC or DOS lists.	5
b.	Proposed project protects wetlands:	
	1) Class I or intertidal or high marsh;	10
	2) Class II or fresh coastal marsh or shoals, bars or mudflats;	5
	3) Class III or tidal-freshwater interface.	1
c.	Proposed projects contains significant habitat areas identified on DEC, DOS or Natural Heritage inventories.	10
d.	Proposed project is within a scenic district area, or corridor designated pursuant to Article 49 of the Environmental Conservation Law or has scenic vistas of statewide or regional significance.	10
e.	Proposed project provides frontage on a lake, pond or river of statewide or regional significance.	10
(iii)	Recreation value	(30)
a.	Need of the proposed project based on SCORP recreation needs analysis:	
	1) 8-10;	30
	2) 5-8;	20
	3) <5.	10
	-OR-	
b.	Proposed project provides opportunities for:	(30)

1) 60% of the proposed project is suitable for the intended passive recreational activity;	10
2) possesses a variety of diverse landscapes that support the intended recreational activity;	10
3) Need for proposed project based on SCORP recreation needs analysis of 5 or greater.	10
(iv) Proposed project provides a buffer along resources of natural, scenic or recreational values, such as wetlands, lakes, rivers, streams, ridges and parkways which are publicly owned or owned by a not-for-profit conservation or historic preservation organization, qualified under the Internal Revenue Service.	5
(v) Proposed project utilizes an existing corridor (<i>i.e.</i> railroad right-of-way, canal towpath, utility lines).	5
(vi) Proposed project is within 25 miles of the boundary of a defined urban area.	10

5. WATERWAY ACCESS

The maximum value is: (100)

<u>Characteristic</u>	<u>Rating</u>
a. Proposed project is on a water body within an area that has a prior, established, formal status, <i>i.e.</i> :	(20)
(i) river designated (or eligible for designation) as national or designated as state wild, scenic or recreational; or	5
(ii) site, area, lake or reservoir designated or eligible for designation as scenic under ECL, Article 49 or pursuant to Coastal Scenic Area of Statewide Significance; or	5
(iii) identified in a local Waterfront Revitalization Program; or	5
(iv) area designated as a State Heritage Area; or	5
(v) area designated as a National Natural Estuary; or	5
(vi) water improved through funding from the Clean Water Act.	5
b. Proposed project proximity to the boundary of a defined urban area:	
(i) within boundary;	25
(ii) within 25 miles of boundary;	20
(iii) within 50 miles of boundary.	15
c. Proposed project would provide access where none exists presently, or where existing access is inadequate, undeveloped or restricted:	
(i) no general public access exists;	25
(ii) existing access is undeveloped or restricted;	20
(iii) existing access in inadequate.	15
d. Proposed project would fulfill public demand.	(30)
(i) A project is on a water named in the joint 1990 OPRHP/DEC Boating Facilities Use Survey; water appears on the:	
a. upper ¼ of the list;	30
b. second ¼ of the list;	25
c. third ¼ of the list;	20
d. lowest ¼ of the list.	15

OR

- (ii) Proposed project would fulfill public demand as identified by SCORP; project is in a county with an index of:
 - a. 8-10; 30
 - b. 5-7; 25
 - c. <5. 20

OR

- (iii) Project is in an area identified as recommended by the Marine District Access Plan or Hudson River Access Plan. 30

E. DISTINCTIVE CHARACTER

1. HISTORIC PRESERVATION

The maximum value is: (100)

Characteristic	Rating
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- | | | |
|----|--|------|
| a. | Significance of property in New York State history. | |
| | (i) A contributing resource within a listed property, site or district, but not individually eligible (carriage house, barn, rowhouse); or, | 15 |
| | (ii) An historic resource that is representative in the local context and either individually listed or within a listed historic district and meets the criteria for individual listing; or, | 17 |
| | (iii) An historic resource that is pivotal in the local context and is either individually listed or within a listed historic district and meets the criteria for individual listing; or, | 20 |
| | (iv) An historic resource that is exceptional or outstanding in a statewide or larger context and is either individually listed or within a listed historic district and meets the criteria for individual listing. | 25 |
| b. | An individually designated NHL, or a resource within a designated NHL district. | 5 |
| c. | Relationship of acquisition to planning priorities or potential of acquisition to fill a void in existing State Historic Site or Heritage Area system. | (15) |
| | (i) Resource type fills a void in the statewide system, or addresses one planning priority. | 7 |
| | (ii) Add four points if resource type fills more than one void in the statewide system, or addresses more than one planning priority. | 4 |
| | (iii) Add two points if project is located in CLG community. | 2 |
| | (iv) Add two points if project is located in ULP community. | 2 |
| d. | Ownership of historic property that will be protected by the proposed acquisition: | |
| | (i) state; or | 10 |
| | (ii) municipal; or | 3 |
| | (iii) not-for-profit; or | 3 |
| | (iv) private. | 1 |
| e. | Contribution which acquisition will make to physical integrity of original or historic property: | |
| | (i) critical; or | 15 |
| | (ii) significant; or | 10 |
| | (iii) moderate; or | 7 |
| | (iv) negligible. | 3 |
| f. | Relevance of acquisition to interpretive focus of currently owned property: .. | (10) |
| | (i) direct relevance to primary interpretive focus, | 3 |
| | (ii) allows addition of new major focus, | 3 |

(iii)	direct relevance to minor interpretive focus,	2
(iv)	allows addition of new minor focus.	2
g.	Ten additional points may be added based on the percent of the original or historic resource currently owned or proposed for acquisition.	
(i)	0% to 9%	1
(ii)	10% to 19%	2
(iii)	20% to 29%	3
(iv)	30% to 39%	4
(v)	40% to 49%	5
(vi)	50% to 59%	6
(vii)	60% to 69%	7
(viii)	70% to 79%	8
(ix)	80% to 89%	9
(x)	90% to 100%	10
h.	Public benefit — Proposed project is proximate to a population center within a 25 mile radius:	
(i)	10,000 to 25,000 people,	3
(ii)	25,000 to 50,000 people,	5
(iii)	50,000 to 100,000 people,	7
(iv)	more than 100,000 people.	10

2. WORKING LANDSCAPE (WORKING FOREST ONLY)

The maximum value is: (100)

Characteristic	Rating
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a.	Location: The proposed project is located in an area where commercial forest use occupies:	
(i)	>75% of the land;	30
(ii)	25% to 75% of the land;	20
(iii)	<25% of the land.	10
b.	Project Size: The proposed project occupies:	
(i)	≥1000 acres;	20
(ii)	≥500 and <1000 acres;	15
(iii)	<500 acres.	5
c.	Ownership and Management History	
(i)	The proposed project is currently owned by a forest-based industry and is under a formal management program.	25
(ii)	The proposed project is in private non-forest industry ownership and is under a formal forest management program (e.g., Tree Farm, RPTL Sec. 480-a, managed by private consultant forester, or managed with Cooperative Forest Management assistance).	20
(iii)	There is no formal management program for the proposed project property.	10
d.	Survival Factor. Rate the likelihood of the project continuing in present use taking into consideration such factors as owner commitment, recent or planned capital investment, likely demand for products that can be produced, and other relevant factors. The project will continue in its present use for:	

- (i) <10 years; 20
- (ii) ≥10 and <20 years; 10
- (iii) ≥20 years. 5

e. Proposed projects will provide new or enhance existing recreational opportunities:

- (i) Choose one:
 - a. Project provides six or more opportunities for a variety of both land and water related recreational activities; or 5
 - b. Project provides two to five opportunities for a variety of either land or water related recreational activities; or 4
 - c. Project provides for a single purpose recreational opportunity of either a land or water related activity. 1

3. HERITAGE AREAS

The maximum value is: (100)

Characteristic	Rating
a. Proposed project meets one or more of the Heritage Area goals of preservation, education, recreation, or economic development:	
(i) one goal;	10
(ii) two goals;	20
(iii) three goals;	30
(iv) four goals.	40
b. Relevance of proposed project to Heritage Area theme(s) identified in Heritage Area management plan:	
(i) direct relevance to primary thematic focus;	20
(ii) enhancement of the primary thematic focus;	15
(iii) direct relevance to secondary thematic focus;	10
(iv) enhancement of the secondary thematic focus;	6
(v) addition to other than a primary or secondary thematic focus.	4
c. Proposed project enhances the function and visual quality of the Heritage Area by benefitting:	
(i) multiple resources;	10
(ii) single resource or site.	5
d. Impact of proposed project on the enhancement of the statewide Heritage Area system:	
(i) critical; or	20
(ii) significant; or	15
(iii) moderate; or	10
(iv) negligible.	3
e. Impact of proposed project on the enhancement of the local Heritage Area:	
(i) critical; or	10
(ii) significant; or	8
(iii) moderate; or	6
(iv) negligible.	2

4. SCENIC RESOURCES

The maximum value is: (100)

Characteristics Rating

- a. Proposed project exhibits outstanding arrangement of natural or man-made features (i.e., water features and/or landforms and/or vegetation patterns) that provide positive stimulation, hold interest and command the attention of the viewing public; 15-30
- b. Proposed project contributes to the public enjoyment and/or appreciation of any established scenic resource; 3-8
- c. Proposed project shows public use, or evidence of attempts of public use; ... 3-8
- d. Number of viewers served by the project:
 - (i) substantial; 10
 - (ii) moderate; 7
 - (iii) minimal. 4
- e. Proposed project has prior established formal status: (36)
 - (i) National Natural Landmark; 9
 - (ii) National or State Wild, Scenic or Recreational River; 9
 - (iii) Site, area, lake, reservoir designated or eligible for designation as scenic pursuant to ECL Article 49; 9
 - (iv) Property on, or eligible for inclusion in, National or State Register of Historic Places. 9
- f. Proposed project has published recognition of scenic values in scholarly works, professional journals, or popular publications. 3-8

F. ENHANCEMENT OF PUBLIC LANDS

The maximum value is: (100)

Characteristic _____ Rating

1. ACCESS

- a. Proposed project creates or improves access to public lands of:
 - (i) 500 acres or more; 35
 - (ii) 100 to 499 acres; 20
 - (iii) 99 acres or less. 10
- b. Proposed project conforms to recommendations contained in Unit Management Plans, State Park System Plan, State Park Master Plans or other approved plans. 20
- c. Proposed project would connect two parcels of public land unconnected or meeting only on a common corner. 5
- d. Proposed project has an existing roadway and trailway. 5
- e. Proposed project contains, or would provide improved access to existing public lands that contain: (20)
 - (i) unusual flora or fauna; 10
 - (ii) wild, scenic and recreational river; 10
 - (iii) frontage on a lake, pond or river that provides recreational opportunities; 10
 - (iv) regulated wetlands; 10
 - (v) significant fish and wildlife habitat; 10
 - (vi) area of public land with existing high-intensity use; 10
 - (vii) unique watershed. 10
- f. Proposed project is within 25 miles of the boundary of a defined urban area. . 15

2. BUFFER

- a. Proposed project conforms to recommendations contained in Unit Management Plans, State Park System Plan, State Park Master Plans or other approved plans. 20
- b. Proposed project eliminates or reduces:
 - (i) a significant amount of encroachment or conflicting use; 25
 - (ii) a moderate amount of encroachment or conflicting use: 15
 - (iii) some amount of encroachment or conflicting use. 10
- c. Proposed project contains, or would provide protection or improved management capability to existing public lands that contain: (40)
 - (i) unusual flora or fauna; 20
 - (ii) wild, scenic and recreational river; 20
 - (iii) frontage on a lake, pond or river that provides recreational opportunities; 20
 - (iv) regulated wetland; 20
 - (v) significant fish or wildlife habitat; 20
 - (vi) area of public land with existing high-intensity use; 20
 - (vii) unique watershed. 20
- d. Proposed project is within 25 miles of the boundary of a defined urban area. . 15

3. CONSOLIDATION

a. Proposed project provides:

- (i) a significant management advantage or expansion of facilities, programs or services; 30
- (ii) a moderate management advantage or expansion of facilities, programs or services; 20
- (iii) some management advantage or expansion of facilities, programs or services. 10

b. Proposed project will provide a cohesive area of:

- (i) 1,000 or more acres; 10
- (ii) 500-999 acres; 8
- (iii) 100-499 acres. 4

c. Proposed project contains, or would provide improved public access or protection to existing public lands that contain: (15)

- (i) unusual flora or fauna; 5
- (ii) wild, scenic and recreational river; 5
- (iii) frontage on a lake, pond or river that provides recreational opportunities; 5
- (iv) regulated wetland; 5
- (v) significant fish or wildlife habitat; 5
- (vi) area of public land with existing high-intensity use; 5
- (vii) unique watershed. 5

d. Proposed project eliminates or reduces:

- (i) a significant amount of encroachment or conflicting use; 10
- (ii) a moderate amount of encroachment or conflicting use; 8
- (iii) some amount of encroachment or conflicting use. 4

e. Proposed project links trailways or public access roads. 5

f. Proposed project conforms to recommendations contained in Unit Management Plans, State Park System Plan, State Park Master Plans or other approved plans. 20

g. Proposed project is within 25 miles of the boundary of a defined urban area. 10

G. COASTAL AND ESTUARINE LAND CONSERVATION AREA

The CELCP resource value rating system is to be applied to projects located in the CELCP planning area.

CELCP PRIORITIES

- (A) The project advances the goals, objectives, or implementation of any of the following (10)
 - i. New York State Coastal Management Program
 - ii. Local Waterfront Revitalization Programs (see Appendix H)
 - iii. Watershed Protection Plans (see Appendix H)
 - iv. Regional Resource Management Plans (see Appendix H)
 - v. Hudson River National Estuarine Research Reserve Management Plan
- (B) Project is located within the New York State Coastal Area Boundary (5)
- (C) Threat of Conversion
 - i. Project is located in an Urbanized Area (5)
 - ii. Project is located in a county with a population growth (1990-2000):
 - a. 0 to 5 % (1)
 - b. 5 to 10 % (2)
 - c. 10 to 15 % (3)
 - d. > 15 % (4)
- (D) Project addresses multiple CELCP priorities (significant conservation, recreation, ecological, and historic/aesthetic values) (5)

CONSERVATION

- (A) Proposed project provides watershed and/or shoreline protection through its proximity to a water body (including a lake, stream, river, bay, or estuary); groundwater aquifer; or wetland.

Choose one:

 - i. Project is located within 500 feet of a water body (lake, estuary, bay, etc.) or wetland within the NYS Coastal Area Boundary; or (5)
 - ii. Project is located within 500 feet of a water body or wetland in the CELCP planning area. (3)
- (B) Project is located within any of the following: (5)
 - i. a Coastal Hazard Area designated under the Coastal Erosion Hazard Areas Act of 1981 (Article 34-0103 of the Environmental Conservation Law),
or
 - ii. a V-zone or A-zone as designated on Flood Insurance Rate Maps prepared pursuant to the National Flood Insurance Act of 1968 (P.L. 90-448) and the Flood Disaster Protection Act of 1973 (P.L. 93-234), or
- (C) Project will result in restoration conservation, ecological, recreational, or historic/aesthetic values (5)

- (D) Project expands or buffers an existing protected area with significant ecological, recreational, and/or historical/aesthetic importance (5)

ECOLOGICAL

- (A) Project is located within or adjacent to an area with any of the following characteristics (choose all that apply):
 - i. essential to the survival of a large portion of a particular fish or wildlife population (i.e. spawning areas, nursery, nesting, or breeding areas, wintering areas, migratory corridors, etc.) (3)
 - ii. supports populations of rare, endangered, threatened, or special concern species (3)
 - iii. supports commercially and/or recreationally significant fish and wildlife (3)
 - iv. a rare coastal community (3)
- (B) Project is within or adjacent to a state-designated Significant Coastal Fish and Wildlife Habitat (3)
- (C) Ecological Significance: add 1 point for each rare, threatened, and/or endangered species which has been recorded on or adjacent to the project site (5)

RECREATION/ACCESS

- (A) Need for the proposed project is based on a SCORP needs analysis:
 - i. 8-10 (5)
 - ii. 5-7 (4)
 - iii. <5. (3)
- (B) Project provides physical linkages that establish or expand a greenway and/or blueway trail (5)
- (C) Project provides access for recreational use in harmony with conservation, ecological, and historic/aesthetic values (5)

HISTORIC/AESTHETIC

- (A) Project is located within or adjacent to a Statewide Area of Scenic Significance (SASS) designated by the Department of State (5)
- (B) Project includes or is located adjacent to a Wild, Scenic or Recreational River designated under Article 15 of Environmental Conservation Law (5)
- (C) Project is located within or adjacent to a scenic resource area or a designated historic or archaeological resource or district protected by a local law or ordinance (5)
- (D) Project includes or is located adjacent to a designated National Historic Landmark, or any resource on, nominated to be on, or determined eligible to be on the National or State Register of Historic Places (5)

- (E) Project is located within or adjacent to a heritage area designated by the New York State Office of Parks, Recreation and Historic Preservation, or any archaeological resource which is on the inventories of archaeological sites maintained by the New York State Department of Education or the Office of Parks, Recreation, and Historic Preservation.. (5)

APPENDIX D

PROJECTED RELATIVE INDEX OF RECREATIONAL NEEDS

In the table on the following pages, today's facility availability is compared to the projected demand in the year 2020. A value of five indicates that for a given activity, the projected supply/demand ratio in the year 2020 will be at the statewide average. The scale ranges from 1 to 10. A one indicates a large availability of recreation resources relative to demand with little or no crowding. A 10 indicates the opposite, most sites are heavily used. Intermediate values indicate a range of crowding at recreation resources. A county rated at three or four will need new recreation facilities to replace existing ones as they become obsolete and wear out over the next twenty years. Further, these counties may have isolated areas within the county where demand is substantially greater than the county-wide average.

Key to Abbreviations on the following pages.

- Park – Relaxing in the park; picnicking; playground use, etc.
- Swim – Outdoor swimming, either pool, lake, ocean or other.
- Bike – Bicycling, either on established paths, off-road or on public highways
- Golf – Golfing, including par 3 and pitch and putt courses.
- Walk – Walking for pleasure, generally requiring less equipment than hiking.
- Tenn – Outdoor tennis, on any type surface.
- Cort – Court games: handball, basketball and the like.
- Fild – Field Games: baseball, softball, football, soccer, etc.
- Hist – Visiting historic sites.
- Camp – Camping including RV, tent, backpacking etc.
- Hunt – Hunting of game species
- Hike – Hiking, usually along established trails and for greater distances than what is considered in the walking for pleasure category.
- Boat – Boating: Sailing, motorboating, canoeing, etc.
- Fish – Fresh and Salt Water Fishing but not ice fishing.
- LocW – Winter activities generally participated near home – sledding, snowboarding, ice skating, etc.
- Xski – Cross country skiing

Dski – Downhill skiing
SnoM - Snowmobiling

County	Park	Swim	Bike	Golf	Walk	Tenn	Cort	Fild	Hist
Albany	4	5	6	5	6	4	4	5	4
Allegany	4	4	3	4	2	3	4	5	4
Bronx	8	8	10	6	10	6	6	7	7
Broome	4	5	5	5	7	4	4	4	4
Cattaraugus	3	4	3	4	3	3	4	4	4
Cayuga	3	4	4	4	3	4	4	4	3
Chautauqua	4	4	4	4	3	4	4	5	4
Chemung	4	6	4	4	4	3	4	4	4
Chenango	3	4	3	4	2	3	4	5	4
Clinton	2	3	4	4	4	4	4	4	3
Columbia	3	4	4	4	3	3	4	4	4
Cortland	3	4	4	4	3	3	4	5	4
Delaware	3	4	4	4	2	3	4	5	4
Dutchess	5	5	6	5	5	4	6	5	5
Erie	4	7	8	6	7	4	4	4	4
Essex	3	3	3	4	3	3	4	4	4
Franklin	3	3	3	4	3	3	4	5	4
Fulton	3	4	4	4	4	3	4	3	3
Genesee	3	4	4	4	3	3	4	3	3
Greene	3	4	4	4	3	2	3	4	4
Hamilton	2	3	3	3	1	1	2	2	3
Herkimer	3	4	4	4	3	3	4	4	4
Jefferson	3	4	4	4	3	3	4	5	4
Kings	10	9	10	7	10	6	7	10	10
Lewis	3	3	3	4	2	4	4	5	4
Livingston	5	5	4	4	3	4	5	7	4
Madison	4	4	4	4	3	3	4	5	4
Monroe	9	7	7	5	7	6	4	9	10
Montgomery	4	4	4	4	3	3	4	5	4
Nassau	7	6	9	6	7	5	6	7	7
New York	10	9	10	6	10	6	6	9	8
Niagara	4	6	6	5	6	4	5	4	4
Oneida	4	5	5	4	4	4	4	4	4
Onondaga	4	6	6	5	6	4	4	5	4
Ontario	5	5	4	4	4	4	4	6	4
Orange	6	7	7	5	6	4	5	6	5
Orleans	4	4	4	4	3	4	4	5	3
Oswego	4	5	4	4	3	4	5	5	4
Otsego	3	4	3	4	2	4	4	4	4
Putnam	6	5	6	5	5	5	5	6	5
Queens	9	9	10	6	10	6	7	8	8
Rensselaer	4	5	5	5	4	4	4	5	4
Richmond	10	7	10	6	10	6	5	10	9
Rockland	5	6	8	5	7	6	4	4	5
St. Lawrence	3	4	3	4	3	3	4	5	4
Saratoga	4	5	5	5	4	4	5	5	4
Schenectady	5	5	5	5	6	4	4	5	4
Schoharie	3	4	3	4	2	4	4	4	4
Schuyler	2	4	3	4	2	3	4	3	3
Seneca	3	4	4	4	3	4	4	3	3
Steuben	4	4	3	4	2	3	4	5	4
Suffolk	6	5	8	6	6	7	5	6	6
Sullivan	3	3	4	4	3	3	4	5	4
Tioga	4	4	4	4	2	4	4	4	4
Tompkins	3	5	4	4	3	4	4	4	4
Ulster	4	5	5	5	4	4	5	5	4
Warren	3	3	4	4	4	3	4	4	4
Washington	5	4	3	4	3	4	5	7	5
Wayne	5	6	4	4	3	4	4	6	4
Westchester	7	7	9	6	9	10	4	5	8
Wyoming	2	4	4	4	3	3	4	3	3
Yates	3	4	3	4	2	4	4	4	3

County	Camp	Hunt	Hike	Boat	Fish	LocW	Xski	Dski	SnoM
Albany	6	0	6	7	6	4	6	5	5
Allegany	4	0	4	5	4	3	4	4	5
Bronx	10	0	15	6	7	9	10	10	10
Broome	5	0	6	7	5	3	6	5	5
Cattaraugus	4	0	4	5	4	4	4	4	5
Cayuga	5	0	6	4	5	4	6	4	5
Chautauqua	4	0	5	4	4	4	5	4	4
Chemung	5	0	5	7	5	4	5	5	5
Chenango	5	0	4	5	4	3	4	4	5
Clinton	4	0	4	4	4	3	4	4	5
Columbia	5	0	5	5	5	3	5	5	5
Cortland	5	0	5	5	5	3	5	4	5
Delaware	5	0	4	5	4	2	4	5	5
Dutchess	6	0	7	6	6	4	7	6	6
Erie	6	0	10	6	7	4	10	5	6
Essex	4	0	3	3	3	2	3	4	4
Franklin	4	0	3	3	3	2	3	4	4
Fulton	5	0	4	4	4	4	4	4	5
Genesee	5	0	6	5	5	4	6	4	5
Greene	5	0	5	4	4	3	5	5	5
Hamilton	4	0	3	3	4	1	3	4	4
Herkimer	5	0	4	4	5	4	4	4	5
Jefferson	5	0	5	3	4	3	5	4	5
Kings	10	0	18	7	7	8	10	10	10
Lewis	4	0	3	3	4	3	3	4	4
Livingston	5	0	5	5	5	5	5	5	5
Madison	5	0	5	4	5	3	5	4	4
Monroe	5	0	9	7	6	6	9	7	5
Montgomery	5	0	5	5	5	3	5	5	5
Nassau	10	0	13	5	6	6	14	11	15
New York	10	0	16	7	7	10	10	10	10
Niagara	5	0	9	5	5	6	9	5	5
Oneida	5	0	5	5	5	4	5	5	5
Onondaga	6	0	8	6	6	5	8	5	5
Ontario	5	0	6	5	5	4	6	5	5
Orange	6	0	7	7	6	4	7	6	6
Orleans	5	0	6	4	4	4	6	4	4
Oswego	5	0	5	5	5	4	5	5	4
Otsego	5	0	4	4	4	3	4	5	5
Putnam	6	0	7	5	5	7	7	6	6
Queens	10	0	17	6	7	7	10	10	10
Rensselaer	5	0	6	6	5	4	5	5	5
Richmond	10	0	14	6	7	8	10	10	10
Rockland	7	0	9	5	6	7	9	8	7
St. Lawrence	4	0	3	3	4	4	3	4	5
Saratoga	5	0	5	5	5	5	5	5	5
Schenectady	5	0	6	6	5	3	6	5	5
Schoharie	5	0	4	4	4	3	4	4	5
Schuyler	5	0	4	4	4	2	4	4	5
Seneca	5	0	5	4	4	3	5	4	4
Steuben	5	0	4	6	5	5	4	4	5
Suffolk	7	0	9	4	5	8	10	10	8
Sullivan	5	0	5	4	4	3	5	5	6
Tioga	5	0	5	5	4	6	5	4	4
Tompkins	5	0	5	5	5	4	5	5	5
Ulster	6	0	5	5	5	3	6	5	5
Warren	5	0	4	4	4	3	4	4	5
Washington	5	0	4	4	4	4	4	4	5
Wayne	5	0	6	5	5	4	6	5	4
Westchester	7	0	10	6	7	7	10	9	7
Wyoming	5	0	5	5	4	3	5	4	5
Yates	5	0	5	4	4	3	5	4	5

APPENDIX G

OPRHP, DEC & DOS

REGIONAL OFFICE ADDRESSES

OPRHP

Allegheny State Park Region
Allegheny State Park
2373 ASP Route 1 Suite 3
Salamanca, NY 14779
(716) 354-9101

Central New York Park Region
6105 E Seneca Turnpike
Jamesville, NY 13078-9516
(315) 492-1756

Finger Lakes Park Region
2221 Taughannock Park Road
P.O. Box 1055
Trumansburg, NY 14886-1055
(607) 387-7041

Genesee Park Region
1 Letchworth State Park
Castile, NY 14427-1124
(585) 493-3600

Long Island Park Region
Belmont Lake State Park
Box 247
Babylon, NY 11702-0247
(631) 669-1000

New York City Park Region
Adam Clayton Powel Jr. State Office Bldg.
163 West 125th Street
17th floor
NY, NY 10027
(212) 866-2720

Niagara Frontier Park Region
Prospect Park
P.O. Box 1132
Niagara Falls, NY 14303-1132
(716) 278-1701

Palisades Interstate Park Commission
Administration Building
Bear Mountain, NY 10911-0427
(845) 786-2701

Saratoga/Capital District Park Region
19 Roosevelt Drive
Saratoga Springs, NY 12866-6214
(518) 584-2000

Taconic Park Region
Old Post Road
P.O. Box 308
Staatsburg, NY 12580
(914) 889-4100

Thousand Islands Park Region
Keewaydin State Park
Alexandria Bay, NY 13607
(315) 482-2593

DEC



Region 1
State University of New York
Building 40
Stony Brook, NY 11794-2356
(631) 444-0373

Region 2
1 Hunters Point Plaza
47 -40 21st Street
Long Island City, NY 11101-5407
(718) 482-6516

Region 3
21 South Putt Corners Road
New Paltz, NY 12561-1696
(845) 255-3042

DOS

41 State Street
Albany, NY 12231-0001
(518) 474-6000

Region 4
1150 N. Westcott Road
Schenectady, NY 12306-2014
(518) 357-2398

Region 5
Route 86, P.O. Box 296
Ray Brook, NY 12977-0296
(518) 897-1394

Region 6
317 Washington Street
Watertown, NY 13601-3787
(315) 785-2242

Region 7
615 Erie Boulevard West
Syracuse, NY 13204-2400
(315) 426-7408

Region 8
6274 E. Avon-Lima Rd
Avon, NY 14414-9519
(585) 226-2830

Region 9
270 Michigan Avenue
Buffalo, NY 14203-2999
(716) 851-7009

APPENDIX H

COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM

The Coastal and Estuarine Land Conservation Program (CELCP) was established in 2002 to protect important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses (Public Law 107-77, Department of Commerce, Justice, and State Appropriations Act of 2002). Priority is given to lands which can be effectively managed and protected and that have significant ecological value. For more information about the Coastal and Estuarine Land Conservation Program, see: <http://coastalmanagement.noaa.gov/landconservation.html>

In recent years, CELCP funding has been allocated through congressional earmarks. Since 2002, New York State has received nearly \$10 million through CELCP to fund important coastal land protection projects, including the acquisition of 7 acres to extend the Hempstead Harbor Shoreline Trail in North Hempstead (Nassau County), the acquisition of 35 acres for habitat conservation on Lake Ontario in Parma (Monroe County), and the acquisition of 123 acres for habitat conservation on Montauk Point in East Hampton (Suffolk County).

In 2003, the National Oceanic and Atmospheric Administration (NOAA) developed guidelines that provide eligibility requirements for projects funded under the CELCP program and establish procedures for selecting projects through a competitive process (Federal Register, June 17, 2003). In order to qualify to compete for funds, coastal states must develop a CELCP plan that provides an assessment of priority conservation needs and clear guidance for nominating and selecting land conservation projects within the state.

The Open Space Conservation Plan addresses the CELCP plan requirements, including an opportunity for public participation and a process for project review and prioritization. By incorporating the CELCP plan into the Open Space Conservation Plan, New York State can utilize the existing structure and administrative process for the Open Space Conservation Plan with additions and changes to highlight coastal resource areas and address specific CELCP plan requirements.

The 2005 Open Space Conservation Plan has been expanded to address the following requirements for a CELCP plan:

1. A map or description of the coastal and estuarine area.

New York State has established a Coastal and Estuarine Land Conservation Program Planning Area, which coincides with the state's coastal watershed boundary (Figure _). Potential projects must be located within the Coastal and Estuarine Land Conservation Program Planning Area in order to be eligible for consideration under the CELCP Plan.

2. A description of the types of lands or values to be protected.

Appendix B (Project Eligibility Criteria and Definitions) and Appendix C (Resource Value Rating Systems) of the Open Space Conservation Plan include descriptions of eligible projects and criteria for prioritizing coastal and estuarine lands for protection. Potential projects must possess significant conservation, recreation, ecological, historical, or aesthetic values, or have such values threatened by conversion from their present natural or recreational state to other uses.

3. Identification of "project areas" that represent the state's priority areas for conservation, including areas threatened by conversion, based on state and national criteria for the program:

- A. Protects important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, that are threatened by conversion;**
- B. Gives priority to lands which can be effectively managed and protected and that have significant ecological value;**
- C. Directly advances the goals, objectives, or implementation of the state's coastal management plan, NERR management plans, national objectives of the CZMA, or watershed plans;**
- D. Is consistent with the state's coastal management plan.**

Chapter V (Regional Advisory Committee Recommendations) contains the recommendations of the nine Regional Advisory Committees on properties to be considered for conservation and acquisition in their regions. Chapter VI (Priority Conservation Projects) includes priority conservation projects that have been identified through an extensive analysis of each region's open space resources by the nine Regional Advisory Committees in consultation with DEC, OPRHP and DOS. Projects identified on these lists that are located within the Coastal and Estuarine Land Conservation Program Planning Area and possessing significant conservation, recreation, ecological, historical, or aesthetic values, or have such values threatened by conversion from their present natural or recreational state to other uses will be considered for potential CELCP funding.

4. A description of existing plans that are incorporated into the plan.

The following plans are incorporated by reference into the CELCP plan:

I. New York State Coastal Management Program

New York's Coastal Management Program, administered by the NYS Department of State's Division of Coastal Resources, establishes the direction for the appropriate use and protection of the State's coastal zone. For more information about the Coastal Management Program, see: <http://nyswaterfronts.com/>

II. Local Waterfront Revitalization Programs

A Local Waterfront Revitalization Program (LWRP) is a locally prepared land and water use plan and strategy for a community's natural, public, working, or developed waterfront through which critical issues are addressed. Once approved by the New York Secretary of State, the LWRP serves to coordinate State and federal actions needed to assist a community in achieving its vision for its waterfront. For more information about Local Waterfront Revitalization Programs, see: http://nyswaterfronts.com/aboutus_lwrp.asp

The following LWRP communities are located within the CELCP planning area:

New York City

New York City

Long Island

Babylon (T); Bayville (V); Brookhaven (T); East Hampton (T); Freeport (V); Glen Cove (C); Greenport (V); Head of Harbor (V)/Nissequogue; Hempstead (T); Huntington (T)/Huntington Harbor; Huntington Bay (V); Islip (T); Lindenhurst (V); Lloyd Harbor (V); Long Beach (C); Manorhaven (V); North Hempstead (T); Northport (V); Ocean Beach (V); Old Field (V); Oyster Bay (T); Patchogue (V); Poquott (V); Port Jefferson (V); Riverhead (T); Roslyn (V); Sag Harbor (V); Sea Cliff (V); Smithtown (T); Southampton (T); Southold (T)

Westchester County (Long Island Sound only)

Mamaroneck (T)/Larchmont (V); Mamaroneck (V); New Rochelle (C); Port Chester (V); Rye (C)

Inland Waterways

Amherst (T)/Pendleton (T); Amsterdam (C); Chautauqua (T); Clay (T); Cleveland (V); Colonie (T); Cortlandville (T)/Virgil (T); Fonda (V)/Fultonville (V); Fulton (C); Geddes (T); Geneva (C); Glen (T)/Mohawk (T), Halfmoon (T) Ilion (V)/Frankfort (V)/German Flatts (T)/Middleville (V)/Mohawk (V); Ithaca (C)/Cayuga Heights (V)/Ithaca (T)/Lansing (T)/Lansing (V)/Ulysses (T); Jamestown (C); Little Falls (C); Lockport (C); Middleport (V); Pittsford (V)/Pittsford (T); Rome (C); Schenectady (C)/Glennville (T)/Scotia (V)/Niskayuna (T)/Rotterdam (T); Seneca

Falls (T)/Seneca Falls (V)/Waterloo (T)/Waterloo (V); St. Johnsville (V)/Fort Plain (V)/Minden (T)/St. Johnsville (T); Sullivan (T); Sylvan Beach (V); Syracuse (C); Waterford (V)/Waterford (T); Watkins Glen (V)

Hudson River

Albany (C); Athens (V); Beacon (C); Catskill (T&V); Coeymans (T); Cornwall (V); Cocksackie (T&V); Croton-on-Hudson (V); Dobbs Ferry (V); East Greenbush (T); Esopus (T); Fishkill (T); Hastings-on-Hudson (V); Haverstraw (V); Hudson ©; Hyde Park (T); Kingston (C); Lloyd (T); Newburgh (C); North Greenbush (T); Nyack (V); Ossining (V); Peekskill (C); Piermont (V); Poughkeepsie (C); Poughkeepsie (T); Red Hook (T); Rensselaer (C); Rhinebeck (T); Saugerties (V); Schodack (T)/Castleton (V); Sleepy Hollow (V); Stony Point (T); Tarrytown (V); Tivoli (V); Troy (C); Watervliet (C); Yonkers (C)

St. Lawrence River & Eastern Lake Ontario

Alexandria Bay (V)/Alexandria (T); Cape Vincent (V); Clayton (T); Clayton (V); Dexter (V); Morristown (T/V); Ogdensburg (C); Oswego (C); Sackets Harbor (V); Waddington (T/V); Watertown (C)

Western Lake Ontario Niagara River & Lake Erie

Brant (T); Buffalo (C); Dunkirk (C)/Dunkirk (T)/Fredonia (V)/Pomfret (T)/Portland (T)/Sheridan (T)/Silver Creek (V); Evans (T); Grand Island (T); Greece (T); Hamburg (T); Hamlin (T); Irondequoit (T); Kendall (T)/Yates (T)/Carlton (T); Lackawanna (C); Lewiston (V); Newfane (T); Niagara Falls (C); North Tonawanda (C); Penfield (T); Rochester (C); Sodus Point (V); Somerset (T); Tonawanda (C); Tonawanda (T); Webster (T); Youngstown (V)

III. Watershed Protection Plans

- a. Canandaigua Lake
- b. Cayuga Lake
- c. Conesus Lake
- d. Honeoye Lake
- e. Irondequoit Bay
- f. Oneida Lake
- g. Sodus Bay

IV. Regional Resource Management Plans

- a. Long Island South Shore Estuary Reserve Comprehensive Management Plan
- b. Long Island Sound Coastal Management Program
- c. Long Island Sound Comprehensive Conservation and Management Plan
- d. Hempstead Harbor - Harbor Management Plan
- e. Huntington Bay - Harbor Management Plan
- f. Manhasset Bay - Intermunicipal Watershed Plan

- g. Hudson River Estuary Program
- h. Peconic Estuary Program
- i. New York - New Jersey Harbor Estuary Program

V. National Estuarine Research Reserve Management Plans

- a. Hudson River National Estuarine Research Reserve Management Plan

5. A list of state or local agencies that are eligible to hold title to protected lands

Chapter VII (Stewardship of Private and Public Open Space Lands) discusses the importance of providing proper stewardship of both private and publicly held open space resources as a critical component of the State's overall open space program. The expansion of the Open Space Conservation Plan to include the CELCP Plan does not alter the current State policy on the stewardship of protected lands. New York State possesses a large and diverse system of State-owned and managed open space resources. Most of these resources are managed by the New York State Department of Environmental Conservation (DEC) and the Office of Parks, Recreation and Historic Preservation (OPRHP). Other public lands are owned and managed by counties, towns, villages and cities. The Open Space Conservation Plan also affirms the importance of privately-held open space as a critical component of New York's landscape, ecology, environment and society and recognizes the importance of partnerships with not-for-profit land preservation groups in preserving and managing open space resources.

6. A description of the state's process for reviewing and prioritizing proposals to the national selection process (must include DOS, NERR, and any other appropriate agencies)

Chapter IV (Project Eligibility and Evaluation Process) describes the project eligibility and evaluation process used by the State to guide its land conservation program. Potential candidates for CELCP funding will be identified by the Regional Advisory Committees, the primary mechanism for the general public, local governments, and other interested groups to advance potential open space projects for consideration in the Open Space Conservation Plan. Additionally, any citizen, organization or governmental body may request a potential land protection project be considered for CELCP funding if they believe the project addresses the CELCP priorities.

As part of the 2005 Open Space Conservation Plan, Coastal and Estuarine Land Conservation Area has been added as a land protection category for determining project eligibility (Appendix B: Project Eligibility Criteria and Definitions). Eligible projects will be evaluated using the Coastal and Estuarine Land Conservation Area resource value rating system (Appendix C: Resource Value Rating Systems) to determine the significance of a project's conservation, recreation, ecological, historical,

or aesthetic values, and the potential level of threat to the project posed by development.

The Coastal and Estuarine Land Conservation Area resource value rating system evaluates projects based on the following criteria:

I. CELCP PROGRAM PRIORITY GUIDELINES

- The project advances the goals, objectives, or implementation of any of the following: New York State Coastal Management Program; Local Waterfront Revitalization Programs; Watershed Protection Plans; Regional Resource Management Plans; Hudson River National Estuarine Research Reserve Management Plan
- The project is located within the New York State Coastal Area Boundary
- The project site is under threat of conversion
- The project addresses multiple CELCP priorities

II. CONSERVATION

- The project provides watershed and/or shoreline protection
- The project is located within any of the following: a Coastal Hazard Area; a V-zone or A-zone as designated on Flood Insurance Rate Maps
- The project will result in restoration of conservation, ecological, recreational, or historic/aesthetic values
- The project expands or buffers an existing protected area with significant ecological, recreational, and/or historical/aesthetic importance

III. ECOLOGICAL

- The project is located within or adjacent to an area with any of the following characteristics: essential to the survival of a large portion of a particular fish or wildlife population; supports populations of rare, endangered, threatened, or special concern species; supports commercially and/or recreationally significant fish and wildlife; a rare coastal community
- The project is within or adjacent to a state-designated Significant Coastal Fish and Wildlife Habitat
- Rare, threatened, and/or endangered species have been recorded on or adjacent to the project site

IV. RECREATION/ACCESS

- There is a demonstrated need for the project based on a SCORP needs analysis
- The project provides physical linkages that establish or expand a greenway and/or blueway trail
- The project provides access for recreational use in harmony with conservation, ecological, and historic/aesthetic values

V. HISTORIC/AESTHETIC

- The project is located within or adjacent to a Statewide Area of Scenic Significance
- The project includes or is located adjacent to a Wild, Scenic or Recreational River
- The project is located within or adjacent to a scenic area, historic or archaeological resource or district protected by a local law or ordinance
- The project includes or is located adjacent to a National Historic Landmark, or National or State Register of Historic Places
- The project is located within or adjacent to a New York State designated heritage area or archaeological resource

The resulting evaluation will provide an indication of the project's statewide significance and potential competitiveness for federal funds under the CELCP Program.

The Secretary of State will be responsible for nominating CELCP projects for federal funding and the Department of State's Division of Coastal Resources will be responsible for completing the CELCP nomination package and forwarding it to the National Oceanic and Atmospheric Administration.

7. A description of public involvement and interagency coordination

The Open Space Conservation Plan is being developed DEC, OPRHP and DOS with the assistance of the nine Regional Advisory Committees. The Regional Advisory Committees consist of members appointed by counties or the City of New York and by the Commissioners of OPRHP and DEC, and they provide advice and recommendations to the State on land conservation policies and priorities within their regions. The Regional Advisory Committees are the primary mechanism for the general public, local governments, and other interested groups to advance potential open space projects for consideration in the Open Space Conservation Plan.

A public comment period is conducted on the Draft Open Space Conservation Plan and includes public hearings held around the State. Public comments may be submitted via the public hearings, mail, E-mail, fax and through DEC's website established for the Open Space Plan (www.dec.state.ny.us/opensp/index.html). Following the public comment period, the agencies assess the public comments received on the Plan, consult further with the Regional Advisory Committees and prepare the Final Open Space Conservation Plan.

APPENDIX I

FOREST LEGACY EXPANSIONS

A. Addition of Shawangunks to Delaware Catskill Watershed Legacy Area

Ms. Kathryn P. Maloney
USDA Forest Service
Northeastern Area, S&PF
11 Campus Boulevard, Suite 200
Newtown Square, PA 19073

Dear Ms. Maloney:

We request a boundary line adjustment to the Delaware Catskill Watershed Legacy Area to add the areas of the Catskill Park that are not presently included and to add the adjacent Shawangunk Ridge. This boundary line adjustment will improve the existing legacy area through the addition of forested landscapes identified as conservation and recreation priorities in New York State. Let his letter serve as my official request to you for a review and eventual acceptance of this proposal.

Description of proposed additions:

The current Catskills Legacy Area boundary was delineated in 1998 based on the watersheds of the six New York City supply reservoirs located west of the Hudson River. We are proposing a modification of the current Catskill Legacy area boundary to include the remaining areas of the Catskill Park and to amend the boundary to encompass the Shawangunk Ridge. These additions to the existing Legacy area contain high quality forest ecosystems, wetlands and priority projects identified in the New York State Open Space Conservation Plan.

The 705,000 acre Catskill Park, a New York State conservation focus for the past century, presently contains more than 290,000 acres of land protected by the State of New York. Approximately 550,000 people visit these forests each year to experience this vast wilderness containing 300 miles of hiking trails located within a two hour drive of New York City. A mosaic of public and private land, the Catskill Park's unfragmented forests face increasing pressure from resort and second home development. The current legacy area includes most of the Catskill Park, but it excludes two small areas along the southwest and eastern edges of the Park. Our request to include these last

two areas of the Catskill Park would add the headwaters of the famous Beaverkill and Willowemoc trout streams and the Great Rondout Wetlands to the legacy area.

The Shawangunk Mountains are one of the most important sites for landscape scale biodiversity conservation in the northeastern United States. They support more than 35 natural communities, with five that are globally rare, including the world's best example of the dwarf pine ridge community and several other, globally rare communities including ice cave talus, pitch pine-blueberry-peat swamp and perched bog and chestnut oak forest. Interspersed through all these communities are more than 30 rare plant and animal species, leading The Nature Conservancy to designating the Shawangunk one of Earth's Last Great Places[®] and The New York State Open Space Plan (2002) identifies the Shawangunks as a Priority resource area[®] because of its biological and recreational values.

The areas of large, relatively undisturbed forest, laced with hiking trails and historic carriage trails overlooking vistas of unsurpassed scenery makes the ridge a popular destination for many outdoor enthusiasts. More than 500,000 people visit the northern Shawangunks annually. Residential development around the Shawangunks is also increasing rapidly and threatens to fragment forested land and reduce the biodiversity of the Shawangunks.

Conservation efforts for over the last one hundred years have resulted in large, contiguous tracts of protected and publicly accessible land in the northern Shawangunks and an ethic of land stewardship and high quality visitor experience. Today, more than 35,000 acres are owned by conservation organizations, or state agencies dedicated to conservation and public access.

The most significant threat to the integrity of the Shawangunk Ridge is encroaching development, particularly along the base of the slopes. Development can cause permanent loss and alteration of natural communities, as well as habitat fragmentation. Fragmentation can create barriers to movement and dispersal of species. Associated impacts include wildlife disruption, changes in ecological process, nutrient inputs and increased use of pesticides and herbicides. The visual integrity of the Ridge is also impacted by encroaching development.

Addition of the Shawangunk Ridge will bring several NYS Open Space Plan priorities to the legacy area including the Shawangunk Mountains, the Bashkill Wetlands, the Plutarch/Black Creek Wetlands and the Galeville Grasslands. These proposed boundary modifications increase the size of the current legacy area by 632,840 acres. These areas contribute to the unfragmented forest ecosystems of the Catskill region and like the existing legacy area have a forest cover of 87%. The proposed boundary modifications are detailed on the attached map.

Compliance with Eligibility Criteria

Include Forested Land Threatened By Present Or Future Conversion To A Non-Forest Use:

The areas proposed for addition to the current Legacy Area face intense pressure from resort and second home development due to their close proximity to New York City. Speculative development resulting from proposed casinos in the region and increasing desire for safe haven from the metropolitan region since September 11, 2001 have resulted in increasing rates of forest land conversion.

Provide Opportunities For The Continuation Of Traditional Uses:

The blend of public and private ownership within the areas proposed for inclusion create the opportunity for continued and expanded public recreational uses of forest land protected through Legacy funding. Several large private tracts of forest land within the region may be most appropriately protected through the use of conservation easements to support the region's vibrant hardwood timber industry through continued commercial forest management.

Contain Three or More Of The Specified Public Values:

The areas proposed for addition to the current Legacy area are well known as recreation areas of New York State. Adding the headwaters of the Beaverkill and Willowemoc will aid in the protection of nationally renowned trout streams and further protection of the Shawangunks will enhance current hiking and climbing opportunities.

This boundary adjustment will bring several priority wetlands within the Legacy Area including the Great Rondout Wetlands, The Bashakill and the Plutarch/Black Creek Wetlands.

The Shawangunk Mountains are one of the most important sites for landscape scale biodiversity conservation in the northeastern United States. They support more than 35 natural communities, with five that are globally rare, including the world's best example of the dwarf pine ridge community and several other, globally rare communities including ice cave talus, pitch pine-blueberry-peat swamp and perched bog and chestnut oak forest. There are also good-to-excellent examples of several common communities, such as the pitch pine-oak-heath rocky summit. The chestnut oak forest in the Northern Shawangunks is the one of the largest in New York State - roughly 28,000 acres in size. Interspersed through all these communities are more than 30 rare plant and animal species, leading The Nature Conservancy to designating the Shawangunk one of Earth's "Last Great Places" and The New York State Open Space Plan (2002) identifies the Shawangunks as a "priority resource area" because of its biological and recreational values.

The Catskills and the Shawangunk Ridge provide major scenic resources to the State of New York and serve as the backdrop for the scenic beauty of the entire Hudson Valley region.

Contain At Least 50 Percent Land That Meets The Definition Of Forest Land

The current Legacy area, with 87 percent forest cover, contains some of the most unfragmented forests within New York State and the High Allegheny Plateau. The area proposed for addition compliments the current area with a forest cover at 87 percent.

Be Identified In The State Open Space Plan As A Protection Priority

This modification adds six priority project areas identified in the New York State Open Space Conservation Plan. These include the Shawangunk Mountains, The Great Rondout Wetlands, The Bashakill, The Galeville Grasslands, The Beaverkill/Willowemoc Headwaters, and the Plutarch/Black Creek Wetlands.

Public Involvement

The priority areas being added to the Legacy Area have been previously subject to public comment through the hearings conducted during the development of the 2002 New York State Open Space Conservation Plan. Descriptions of the Forest Legacy Program are found in the document's recommendations for the future in Chapter 8. This proposed boundary adjustment has been reviewed and approved by the New York State Forest Legacy Subcommittee of the State Stewardship Advisory Committee. We are also scheduling a public hearing in the Shawangunk area and another in the Catskills to provide additional opportunities for public comment on this modification. As the State Forester, I am confident that this combination of forums will provide an adequate review of these boundary extensions.

Please review this draft boundary line extension and advise me on your recommendations of its acceptance or need for further refinement.

Sincerely,

B. Finger Lakes Legacy Area

1) Objectives of the Proposed Amendment

This proposal seeks to amend the New York State Assessment of Need for the Forest Legacy Program by creating a new Forest Legacy Area in the Finger Lakes/Northern Plateau region of central and western New York. The addition of this region into the Program would help refocus national attention on the importance of the forest resources in protecting water quality in the Finger Lakes region and the upper Susquehanna River watershed.

2) New York Forest Legacy Program Background

New York State completed a modified Assessment of Need for the Forest Legacy Program in 1994. The Secretary of Agriculture approved the Assessment and Eligibility Criteria were subsequently developed for which all Forest Legacy Areas in New York

State must meet. This proposed amendment will show that the Finger Lakes/Northern Plateau region of New York meets or exceeds the Eligibility Criteria and the goals of the Forest Legacy Program. The Finger Lakes/Northern Plateau region is consistent with the goals of the Forest Legacy Program due to its ability to maintain and enhance water quality, prevent lands from being converted to non-forest uses, and protect important wildlife habitat.

3) Proposed Forest Legacy Area

A) Description

The Finger Lakes in central and western New York State features glacier-formed lakes that provide important ecological and economic benefits to the Finger Lakes Region, the State of New York, and the United States as a whole. The Finger Lakes provide a clean and reliable source of drinking water for numerous municipalities in New York, including Rochester, Syracuse, and Auburn. While the approximately one million people in the proposed area do not all reside within the Finger Lakes watershed, they are within commuting distance of the lakes. In addition, the Finger Lakes region is valued by even greater numbers of New Yorkers, as well as non-New Yorkers, as reflected in tourism activity within the regions economy. Attracted in large measure by the natural resources of the area, tourism in the Finger Lakes Region generates roughly 1.5 billion dollars annually with approximately 22 million visitations per year (Finger Lakes Association, 2003).

The Finger Lakes lie mostly within the Great Lakes Plain ecoregion, consisting of moderate to very steep slopes separated by creeks and narrow valleys with stately bluffs. Many of the area's creeks have cut deep gorges through the shale bedrock. The northern region of the High Allegheny Plateau ecoregion (Northern Plateau hereafter) is characterized by low to mid elevation hills whose summits form a plateau, dissected by numerous rivers and small streams. This region forms the headwaters region of the Genessee and Susquehanna Rivers. The forest community types are commonly referred to as Northern Hardwoods with principal species including beech, red and sugar maple, white ash, black cherry, and northern, white, and chesnut oak (NYSDEC, 1981). Hemlock grows mostly in ravines and white pine can be found growing at higher elevations.

The proposed Forest Legacy Area is approximately 3 million acres and contains all or portions of 15 counties in central and western New York. Forest-based recreation, such as hunting, fishing, and hiking attracts thousands of

visitors to the region each year and is vital to the regions economy. Recent polling results indicate people of the Finger Lakes are most concerned about maintaining clean air and water, productive farms and vineyards, healthy communities, scenic vistas, and some of New York's finest opportunities for outdoor recreation.

B) Map of Proposed Area

Appendix A contains a map that illustrates the proposed Finger Lakes/Northern Plateau Forest Legacy Area as delineated using GIS technology. The map shows land cover types, interstates, and the location of public lands and large cities. The western boundary is primarily Interstate 390; the northern boundary is Interstates 5, 20, and 20A; the eastern boundary includes the headwaters region of the Chenango River (Susquehanna River system); and the southern boundary includes portion of Interstate 88 and the southernmost extent of the Finger Lakes watershed.

C) Environmental Values that will be Protected

The ecology and nationally significant forest communities in the Finger Lakes region are under considerable stress. Water quality is being degraded and forests are being lost in the Finger Lakes region to incompatible agricultural, development, and forestry practices. These practices are also rapidly fragmenting the forested landscape important to fish and wildlife. The United States Fish and Wildlife Service and the United States Geological Survey have issued a preliminary report that identifies three primary Finger Lakes watershed issues - degraded water quality, degraded fish and wildlife habitat, and danger of flooding. Many of the streams that flow into and out of Finger Lakes also contain forested wetlands that are important to maintaining water quality.

D) Means for Protection

- Acquisition of conservation easements or working forest conservation easements which extinguish all development rights on tracts is the preferred forest protection strategy. Timber rights may be retained by the owner and should be conditioned by the State of New York's Best Management Practices to minimize soil erosion. Easements that allow timber harvesting shall follow the prescriptions outlined in a timber management plan prepared by a professional forester and accepted by the New York State Department of Environmental Conservation (NYS DEC hereafter). Easements shall restrict the pursuit of mining, drilling, and excavation of natural resources subject to the regulations established by the State's Mined Land Reclamation Law and Environmental

Conservation Law (Article 23, Title 27). Easements shall prevent disposal of hazardous waste or material on subject properties. Easements shall also prevent construction of dams, impoundments, and other water resource developments unless there are proven benefits to wildlife, forests, and the people of the area.

- If seller only wishes to sell fee title, the Legacy program allows the State to purchase landholdings for inclusion into State ownership.

Area E) Public Benefits in Establishing Finger Lakes/Northern Plateau Forest Legacy

- Enhanced protection of forests that maintain quality drinking water for millions of regional residents.
- Reduced drinking water treatment costs resulting from improved quality of untreated water.
- Maintenance of scenic appeal of the region, vital to the regions' economy.
- Protection of lands critical to maintaining and improving recreational opportunities, such as hunting, fishing, and hiking.
- Protection of economic benefits provided by the regions' forests, such as timber production and recreation.
- Protection of important fish and wildlife habitat.

F) Management Responsibilities

The management of lands protected with Forest Legacy funding in New York State rests mostly within the NYS DEC at the present time. In the proposed area, the State of New York currently manages approximately 250,000 acres and the US Forest Service manages approximately 16,000 acres in the Finger Lakes National Forest. It may evolve over time, as additional properties are protected, that easement could be monitored one of many land trusts that own property in the area. This precedent has already been established with the Tug Hill Tomorrow Land Trust monitoring the Brown Tract on the Tug Hill Plateau.

4) Eligibility Criteria

The Forest Legacy Subcommittee and the NYS DEC established Eligibility Criteria, for which the Secretary of Agriculture approved in the modified Assessment of Need. Eligibility Criteria include:

- Forestland threatened by present or future conversion to a non-forest use.
- Provide opportunities for the continuation of traditional uses.
- Contain three or more of the following public values:
 - 1) Public recreation opportunities
 - 2) Riparian areas and wetlands
 - 3) Important fish and wildlife habitat including known threatened and endangered species
 - 4) Cultural areas such as areas of historical or archeological significance
 - 5) Other ecological values
 - 6) Scenic resources
 - 7) Important plant communities
- Contain at least 50% lands that meet the definition of forest land.
- Identified in the New York State Open Space Plan as a major resource area and/or protection priority.

A) Criteria 1: Forestland threatened by present or future conversion to a non-forest use

Forest lands in the Finger Lakes region face extreme pressure of conversion to non-forest uses. Rich soils and gently rolling topography make the area prime for agriculture. The scenic beauty of region make it highly susceptible to primary and secondary home development. Property taxes in the region are considerably higher than forestry revenues, forcing landowners land to convert land to more profitable uses. If large amounts of forest land in the region continue to be converted or fragmented, the economic viability of the forest resource is in jeopardy. As such, the ability of the forests in the region to maintain water quality are compromised.

B) Criteria 2: Provide opportunities for the continuation of traditional uses

The forested landscape of the proposed region supports a stable forest industry. The forest products industry in the proposed area employs approximately 4,500 people at more than 140 establishments. The largest industry sector is lumber and wood products, with 1,488 employees (Empire State Development, 2001). Funds from the Forest Legacy Program would help ensure traditional uses of forest land in the region.

C) Criteria 3: Contain three or more public values

The Finger Lakes/Northern Plateau region contains at least five public values.

1) Recreation opportunities: The Finger Lakes region is world renown for its recreational opportunities. Forest-based recreation, such as hunting, fishing, and hiking attracts thousands of visitors to the region each year and is vital to the regions economy. The Finger Lakes Trail Conference maintains a 562-mile long trail that connects the Catskill Mountains with the Allegheny Mountains by passing through remote areas of the Southern Tier of New York State

2) Riparian areas and wetlands: The proposed Forest Legacy region contains numerous riparian areas and wetlands that are vital to maintaining water quality for consumption by millions of people living throughout central and western New York.

3) Important fish and wildlife habitat: The Finger Lakes and the Chenango River provide some of the best sport fishing and hunting in the United States. The Finger Lakes are also critical staging areas for migrating waterfowl. In addition, the region supports many federally listed, forest dwelling animal and plant species, such as the spreading globeflower, bald eagle, and Indiana bat.

4) Important plant communities: Several rare plant communities can be found in the region, such as the Appalachian oak-hickory forest, silver maple-ash swamp, rich fens, peat swamps, perched swamp white oak, and spruce fir swamp.

5) Scenic resources: The Finger Lakes are recognized as a scenic resource for New York State. Scenic resources are areas exhibiting outstanding arrangements of natural or manufactured features, including water features and/or land forms and/or vegetative patterns that provide inspiration, and hold interest and command attention of the viewing public.

F) Criteria 4: Contain at least 50% land that meets the definition of forest land

The proposed Finger Lakes/Northern Plateau Forest Legacy Area is approximately 60% forested.

G) Criteria 5: Identified in the New York State Open Space Plan as a major resource area and/or protection opportunity

The Finger Lakes region has been identified in the New York Open Space Plan as a major resource area. There are also numerous NYS DEC and Office of Parks, Recreation, and Historic Preservation priority projects within the proposed Forest Legacy area.

**NOTICE OF COMPLETION OF
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT AND NOTICE OF
PUBLIC HEARING**

The New York State Department of Environmental Conservation (DEC) and the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) as co-lead agencies, announce the completion of the Draft 2005 Open Space Conservation Plan and Draft Generic Environmental Impact Statement (DGEIS). Copies of the Draft Plan and DGEIS are available at DEC and OPRHP regional offices. Pursuant to statute ECL §49-0217, DEC and OPRHP will hold public hearings in each DEC administrative region on the Draft Plan. These hearings will also serve as public hearings on the DGEIS pursuant to the applicable SEQRA Act (6NYCRR §617.9(a)(4)).

Notice is given that these public hearings will be held in each DEC region at the locations listed in this notice. All hearings will be conducted from 2:30 p.m. until 4:00 p.m. and 7:00 p.m. until 9:00 p.m. on November 29, 30th or December 1, as noticed on the attached list (back cover).

The afternoon hearings will be preceded by a workshop from 1:00 p.m. until 2:30 p.m. where staff of DEC and OPRHP will be available to answer any questions relative to the Draft Plan DGEIS.

The hearing is part of a public comment period beginning with the publication of this notice on November 9 and continuing until 4:45 p.m. on January 18, 2006. All statements received during this period, whether submitted prior to, at, or after the hearings will be assessed. The assessment of public comment that is prepared will be included in the Final Plan and Final GEIS.

All those who wish to appear at the hearing to make an oral statement who also have a prepared written statement are asked to bring and submit the written statement. Lengthy written statements should be submitted and summarized orally. Statements also may be submitted via the Department's web site at: www.dec.state.ny.us

The Draft Plan is an update and revision of the 2002 plan which includes identification of the types and locations of open space resources, and enumeration of various open space conservation methods including voluntary and protection programs, land use regulations as well as acquisition of land, or an easement interest in land by the State. The Plan describes the selection process of deciding when acquisition may be the appropriate method of open space conservation. It also makes recommendations for legislative and executive action on a number of open space conservation issues including: tax policy, stewardship of state and private land, and involvement of federal and local governments and not-for-profit conservation

organizations. The Plan also contains a listing of priority conservation projects eligible for acquisition from the State Environmental Protection Fund and other state, federal and local sources. Once finalized, the Plan will be presented to the Governor and the Legislature, and following approval by the Governor, the Plan will continue to guide both DEC and OPRHP in their open space conservation and land acquisition programs.

The Plan will include increased protection of significant natural, scenic, recreational, historic and cultural resources and improve quality of life for residents of New York. Intrinsic benefits also accrue from public decisions to protect resources. Economic benefits include an anticipated increase in value of adjacent lands and tourism, water quality protection, wildlife habitat protection and enhancement of natural resource-based industries including forestry, farming and outdoor recreation. Adverse impacts may be associated with the development and use of resources acquired for enhanced public access and/or use. The impacts on resources result from public use and possible short term erosion and sedimentation problems associated with construction. Where the acquisition of land results in an increase in use by the public, there may be impacts such as littering, noise, vegetative damage, increased traffic, and trespass to adjoining property owners.

The cumulative benefits are those associated with the implementation of a comprehensive, coordinated approach to the conservation of New York's resources. These include protection and maintenance of natural resources, biodiversity, significant historic, cultural and outdoor recreation resources.

Copies of the Draft Plan and DGEIS are available at DEC and OPRHP regional offices and at DEC's web site at: www.dec.state.ny.us. Copies of written statements and questions concerning the Plan or the DGEIS may be addressed to:

Francis Sheehan
NYS DEC
625 Broadway
Albany, NY 12233-4250
(518) 402-9405

OR

Robert Reinhardt
NYS OPRHP
Empire State Plaza
Albany, NY 12238
(518) 474-0415

OR

OSP2005@gw.dec.state.ny.us

PUBLIC HEARING SCHEDULENovember/December 2005
(check local dates)1:00 p.m. - 2:30 p.m. - Workshop
2:30 p.m. - 4:00 p.m. - Public Hearing
7:00 p.m. - 9:00 p.m. - Public Hearing

DEC Region	Date	Location
Region 1	December 1	NYS DEC Regional Headquarters SUNY Campus, Loop Road Building 40 Stony Brook, NY
Region 2	December 1	NYS DEC Regional Headquarters Annex 11-15 47th Avenue Long Island City, NY
Region 3	November 29	Bear Mountain State Park Overlook Lodge Bear Mountain, NY
Region 4	November 30	NYS DEC Regional Headquarters 1150 North Westcott Road Schenectady, NY
Region 5	November 29	NYS Regional Headquarters Route 86 Main Conference Room Ray Brook, NY
	November 30	Saratoga Spa State Park Administration Building Gideon Putnam Room 19 Roosevelt Drive Saratoga Springs, NY
Region 6	November 29	NYS Regional Headquarters Dulles State Office Building First Floor Conference Room 317 Washington Street Watertown, NY
	December 1	Utica State Office Building Conference Room A 207 Genesee Street Utica, NY
Region 7	November 30	Chenango Valley High School 221 Chenango Bridge Road Binghamton, NY
	December 1	State Fair Grounds The Martha Eddy Room 581 State Fair Boulevard Syracuse, NY
Region 8	November 30	Brighton Town Park Lodge 777 Westfall Road Rochester, NY
	December 1	NYS DEC Regional Sub-Office Conference Room 7291 Coon Road Bath, NY
Region 9	November 29	Erie County Cooperative Extension 21 South Grove Street East Aurora, NY

The comment period on the Draft closes at 4:45 p.m., January 18, 2006.