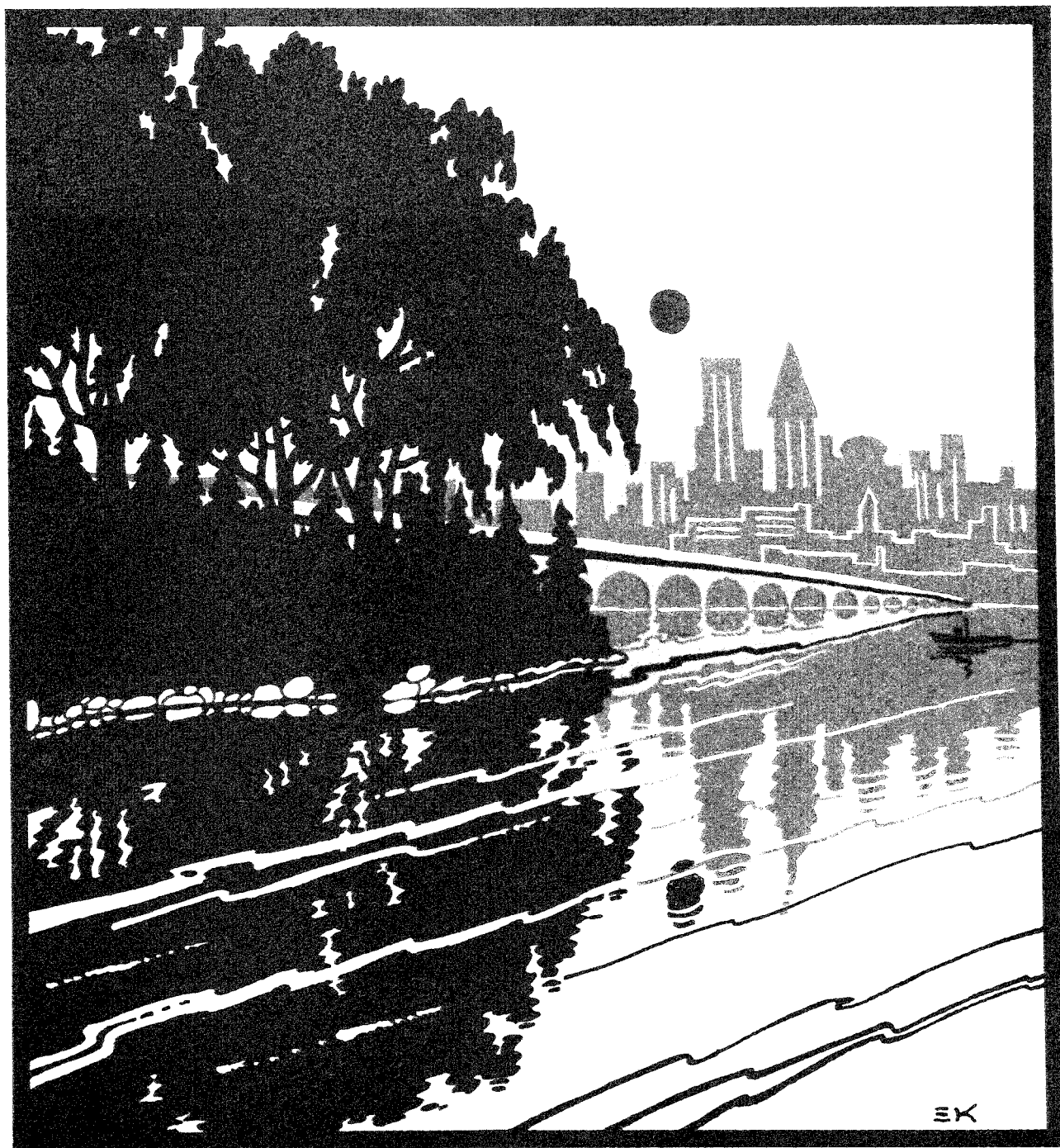


PA-87

351.863
New

Proceedings

Greenline and Urbanline
Parks Conference



Department of Environmental Conservation
Assembly Committee on Environmental Conservation
State of New York / Mario M. Cuomo, Governor

Proceedings

**Greenline and Urbanline
Parks Conference**

held at the
Nelson A. Rockefeller Institute of Government
of the
State University of New York
Albany, New York
on
May 20, 1983

Sponsored by
New York State Department of Environmental Conservation
Henry G. Williams, Commissioner
and
New York State Assembly Committee on Environmental Conservation
Maurice D. Hinchey, Chairman
in cooperation with
New York State Office of Parks, Recreation and Historic Preservation
Orin Lehman, Commissioner

Table of Contents

Acknowledgements	iv
Introduction	v
Welcoming Remarks	
By Maurice D. Hinchey	1
The National Perspective Greenline Parks	
By Charles E. Little	3
The New York State Perspective: Greenline Parks	
By Henry G. Williams	7
The New York State Perspective: Urban Cultural Parks	
by Paul M. Bray	11
Park Initiatives: Some Case Examples	
By Orin Lehman	15
Lowell National Historic Park	
by Fred Faust	17
The Thousand Island Greenway Proposal: An Announcement	
By J. Glenn Eugster	19
Upper Delaware National Scenic and Recreational River	
By John T. Hutzky	21
The Hudson River	
By J. Winthrop Aldrich	25
The New Jersey Pinelands	
By Terrence D. Moore	29
The Hudson Mohawk Urban Cultural Park	
By Gary Douglas	33
Summary Remarks	
By David S. Sampson	35
Appendix: Greenline Parks Study Bill	37

Acknowledgements

As is true of most enterprises of its kind, a relatively few people have been responsible for the arrangements for the Greenline and Urbanline Parks Conference and for producing this summary of the proceedings. Charles C. Morrison served as the editor of this report and as principal staff person for the conference, working from the Division of Lands and Forests in the Department of Environmental Conservation. Paul M. Bray also made a major contribution in this regard, working with Mr. Morrison. Nancy Gauvin in the Division of Lands and Forests served as secretary and registrar for the conference. Ms. Gauvin, Joan Betts and Patricia Driscoll did the word processing for this publication. Jacob Warnken and Kay Day did the publication design, layout and typesetting. The cover was designed by Ed Kenney.

Special appreciation is due Dr. James Morrell, Deputy Director of the Nelson A. Rockefeller Institute of Government, for his help in making conference arrangements and for making the excellent facilities of the Institute available.

Any communications concerning this publication should be referred to: Greenline/Urbanline Parks Conference, New York State Department of Environmental Conservation, Room 412, 50 Wolf Road, Albany, New York 12233. Phone: (518) 457-7433

Introduction

The origins of landscape preservation in the United States are deep-rooted and varied. Before the landmark of the establishment of the National Park System in 1915, the remarkable contributions of Olmsted, George Perkins Marsh, Thoreau, Thomas Cole and James Fenimore Cooper stand out. Beyond that the foundations are indistinct.

As the conservation programs spurred by Theodore Roosevelt and Gifford Pinchot came into place on one front, continuing through the New Deal days with the establishment of the Civilian Conservation Corps and the Soil Conservation Service, so the City Beautiful practitioners moved ahead in urban areas. During the 1960's, partly in response to the increasing impacts of the automobile and the new technology spawned by World War II, some of these threads were brought together in the "new conservation." Much of the essence of this era is captured in the reports of the Outdoor Recreation Resources Review Commission (1962), and White House Conference on Natural Beauty (1965) and the 1968 report of the President's Council on Outdoor Recreation and Natural Beauty *From Sea to Shining Sea*.

Public interest, along with new initiatives to address landscape preservation needs, continued to build during the time of the New Frontier and the Great Society, climaxing in Earth Day, 1970. The momentum then obtained not only fostered the many environmental conservation gains of the early 1970's but still drives the continually changing and growing conservation movement of today.

Landscape preservationists, in their concern for long term perpetuation of natural/scenic and historic/cultural qualities, always have had to confront one almost overwhelming reality: the traditional system of private property rights that exists in the United States. Although the programs and techniques for accomplishing preservationist objectives in the broader public interest have multiplied and become more complex, they still rest primarily on only two fundamental approaches: (1) acquisition of land and related resources in full fee or partial interest and (2) regulation of the use of the land and other resources through application of the police power. Regardless, landscape preservation activities continue apace, working either with the grain of that reality or against it.

High on the agenda of practitioners in the field are improvements in the institutional and procedural context in which individual preservationist decisions are made. These concerns were manifested in the efforts, in the early 1970's, to pass the national land act legisla-

tion. The State of New York strongly endorsed this bill, going on record with Congress to say that such legislation would "provide the necessary framework and assistance to enable the States, in direct cooperation with their local governments, to develop a more rational and coordinated decisionmaking process for the allocation of land resources." Counterpart legislation for a State land resource management and local assistance act was introduced in the New York State Legislature in 1975 and 1976. The impetus was lost and the bills died. However, the *raison d'être* for this legislation still exists. It is part of the unfinished agenda at the State and national level.

Landscape preservationists meanwhile are seeking other ways to improve the overall institutional framework for making decisions about the use or allocation of significant natural and cultural resources. They are still trying to put in place a system that will ensure establishment of an effective partnership between two or more of the three levels of government—federal, state and local—to accomplish preservationist objectives on a multi-site, multi-resource intergovernmental scale. A key to this seems to lie in the concept of providing for more intensive management of large-scale critical areas of greater than local importance in accordance with their natural or cultural resource values. The idea is to ensure that each level of government involved in the partnership will apply its traditional and constitutional authority in a coordinated and mutually reinforcing manner to protect and preserve designated resources. If the time is not right to do this from a nationwide or statewide perspective, then perhaps it can be done on a regional, subregional or site-specific basis where highly significant resource values are at stake.

Greenline Parks and Urban Cultural Parks are, respectively, the rural and urban embodiment of this concept. Such areas, as they are delineated, must have geographical cohesion and integrity, with boundaries established in a rational manner that is consistent with the resource values to be preserved.

However, these concepts are not well-understood. Before they can become more useful to land preservationists they must become better known. That is the first step towards more widespread and generic application. It is with that in mind, and to give appropriate recognition to these important concepts, that this conference on Greenline and Urbanline Parks has been called. Expectation is high that a firm sense of direction and new strategies for landscape preservation will emerge.—C. C. M.

Welcoming Remarks

by

Maurice D. Hinchey, Chairman
Assembly Committee on Environmental Conservation

It's a particular pleasure to welcome you to this conference because New York State has the distinction of having pioneered the Greenline Park concept. Back in 1892, when the State Legislature drew a blue line on a map to encompass the Adirondack region, it took the first step in what was eventually to evolve as the Greenline Park movement.

The Legislature's and the electorate's action in voting to keep the public land in the Adirondack area "forever wild" has permitted millions of visitors through the years to enjoy this vast wilderness for camping, hiking, canoeing and other such activities. It was not until recent years that it became obvious that further safeguards were needed to protect the area from the encroachments of our rapidly changing technological society.

In the Seventies, however, unexpected resistance began to develop in some of the communities that would be affected by new legislative proposals, not only in the Adirondacks and the Catskills but also in other parts of the state. It was not that people were necessarily opposed to the concepts involved in protecting our wilderness areas. Rather, it was that they had become suspicious and wary of the heavy hand of bureaucracy at the federal and, even, the state level.

Let me suggest that this was a reflection of changes that were also taking place in people's feelings about traditional political and economic democracy. Just as nineteenth century politics was very often a top-down affair, with the leadership and ideas coming from an elite and the masses merely giving their assent, so too, environmentalists were prone to prescribing solutions to problems without considering the sentiments of the general public.

This produced much good legislation in an era when the general public was not particularly well informed on many of these issues. But in today's society, not only better educated and informed but also much more insistent that its right to participate in the decisionmaking process not be abridged, citizens do not take kindly to public officials dictating policy from on high.

For awhile it looked as if a backlash had developed which would impede further progress in environmental conservation efforts and, in some instances, even turn back the clock.

It now looks as if that backlash has run its course. People in communities throughout the state, reassured that the governmental agencies will listen to and seek to accommodate their legitimate concerns, are again

focusing on the indisputable rewards, both in terms of economic benefits and enhancement of the quality of life, which solid environmental conservation efforts can achieve for them.

I am confident that we are, in fact, entering a very promising period in which much good work can be accomplished.

The fact that this program today was jointly organized by a legislative committee and the Commissioners of Environmental Conservation and Parks Recreation and Historic Preservation signifies both the importance we attach to the subject matter and the long history of cooperation between the legislative and executive branches on issues of park development and management. I am confident that Commissioners Williams and Lehman and I will continue to work closely together and will make good use of what we learn from today's proceedings.

Parks, in their many forms—from the tot lot to vast wilderness areas—are one of the State's greatest assets.

In 1985 we will celebrate the 100th anniversary of the establishment of the State Forest Preserve. This action marked the beginning of public conservation activity by the State which has resulted in the protection of New York State's magnificent natural resources for the enjoyment and benefit not only of our own citizens but of visitors from all over the world.

We have tried to accomplish for our cities things similar to what we have achieved for our wilderness areas. Our Urban Cultural Park system has benefited from the thoughtful formulation of a plan over a period of several years, with participation by citizens, public officials, private institutions and business people in over a score of communities throughout the state.

The idea of viewing the city as a park and as an educational setting is new, complex and challenging. But it is a challenge we are determined to meet. A partnership of state and local officials, with the active participation of the private sector, is making plans and taking actions which ultimately will result in 13 Urban Cultural Parks, from New York City to Buffalo.

In 1981 the plan for this statewide system, prepared by Commissioner Lehman's agency, was given the outstanding planning program award by the American Planning Association. And we are all proud of the comprehensive law to establish the statewide system, which was enacted last year. It is a model for creating a legal mandate and framework for urban resources management.

I also think its worth noting—for the symbolically significant event that it is—that the first world conference on Olmsted Parks will be held in New York City this September—the city whose Central Park was the first major work of that pioneer in urban park planning.

New York State is not only rich in the character and diversity of its cities, as well as its invaluable wilderness areas, but it also possesses other outstanding scenic, historic, ecological and recreational areas. These include the Hudson River Valley, the Catskills, the Long Island Pine Barrens, the Finger Lakes and the Thousand Islands.

These areas merit protection and the kind of management that meets both preservation objectives and the economic needs of present residents. I believe that there is a growing recognition by the people in these areas that the kind of cooperation we envision between the state and local governments is not only possible but

absolutely essential for preservation of the values they cherish so highly. This was pointedly demonstrated at a hearing last fall in the Adirondack Park on legislation that would expedite the State's inventory of historic resources and facilitate the preservation of the Great Camps. That support for this was unanimous and that it included individuals and organizations known heretofore for their opposition to the State's role in the Adirondack Park is, I think, very significant.

I believe we have taken important steps in forging an enduring partnership between the State and local communities. It is essential that we continue on this course.

I am looking forward to learning today what this conference will offer by way of expanding and refining the Greenline Park concept and also to getting the view from Washington so that we can move on to further work in this area that we all recognize as being so important.

The National Perspective: Greenline Parks

by
Charles E. Little, Executive Director
American Land Forum

Like many other new policy concepts, "greenlining" for parks was an idea born of desperation. The time was the mid-1970's. The U.S. Congress was inundated with demands to make this or that landscape area (usually near a city) a national park. The National Park Service was already some \$4 billion in arrears with respect to acquiring and developing parks already approved by Congress. And fiscal conservatives—one of them in the White House—were crying "no more."

Policy analysts of the time were, therefore, casting about for some alternative to a park acquisition policy that required the purchase of (more often than not) quite expensive land to fulfill its purposes. And they found the models they were seeking in New York State and in Great Britain.

In New York, with the coming of I-87 and the likelihood of endless second-home development and commercial clutter, many feared for the continued integrity of that last great eastern wilderness—the Adirondack mountain region. The Adirondack Park was established by the New York State Legislature in 1892 and its boundaries have been expanded several times since then. The public lands comprising the Forest Preserve within the park were designated by the Legislature earlier, in 1885, and were declared to be "forever wild." They obtained "forever wild" constitutional protection in 1894, effective January 1, 1895. These lands are managed by the Department of Environmental Conservation. The original Adirondack Forest Preserve, in 1885, totaled 700,000 acres. Today it is 2,500,000 acres.

The region was, to the surprise of some who were under the impression that it was all publicly owned, 60 percent private property and, hence, wholly vulnerable to development. This was because the public, "forever wild" lands were "checkerboarded," i.e., not in contiguous ownership.

The alternatives were, it seemed, either a national park on a part of the land, created in the central mountains via land exchanges, or an effort to administer the entire six million-acre region as if it actually were a "park" by means of stringent land use controls on the private lands. After more turmoil than anybody expected, the latter approach won out, and in the early 1970's, the Adirondack Park Agency was established to administer all of the private lands within the so-called "blue line" that delimits the Adirondack Park. In the view of many, the Adirondack Park Agency Act is one of the two or three most significant conservation achievements of our generation.

As it happened, Great Britain had faced the same kind of problem, except a generation earlier. During the 1920s and '30s, British conservationists, much taken with the success of national parks in the United States, hoped to create a system of their own, based on the acquisition of land in various parts of England and Wales. On the way to this dream, however, the effects of the '29 crash and subsequent economic depression rolled across the Atlantic, to be followed by World War II, in the beginning of which Britain was asked to finance—by itself—the defense of the Western Allies. At war's end, the dream was still alive, but the exchequer depleted.

However, an extraordinary land use policy idea—the Town and Country Planning Act—found its way into law in 1947 which, in effect, "nationalized" the private right to change the use of land. Henceforth, any scheme—to turn a farm into a subdivision of terrace housing, let's say—would have to be approved by county planning councils, who would be guided by so-called "structure plans" which prescribed an overall pattern for growth.

This law also provided the basis for a new approach to national parks. The idea was, simply, to exercise the authority of the planning councils in an especially rigorous way in those areas designated as national parks. And so, in 1950, the National Parks and Access to the Countryside Act was passed into law, which eventually set up ten parks (comprising ten percent of the area of England and Wales), together with a number of "Areas of Outstanding National Beauty" and linear footpaths and bridleways. The technique applied was not that of buying the land, but drawing a line around the area to be protected and then protecting it through regulation and associated means. Private owners would have continued use and enjoyment of their land.

On most U.S. maps, national and state parks are shown as solid green. But on most British maps, parks are shown with a green line. Solid green signifies outright public ownership, or at least an intention of same. The green line indicates public management through, principally, regulatory means, with perhaps a bit of acquisition here and there—though not much and not necessarily. Hence, "Greenline Parks."

At the national level, some members of Congress were intrigued by the Greenline Park concept, thinking it to be a realistic response to the need for protecting valued areas. It did not seem that land would get any cheaper in the future and, so, many believed that the

only alternative to “greenlining” was, to put it simply, no new parks at all—except for those which involved transfer from the public domain rather than purchase. Even so, virtually all national environmental organizations were either unimpressed or dead set against the idea. In my view, those who worked hard to discredit “greenlining” to the Congress and to load up the national parks omnibus legislation with land purchase bills, bear some responsibility for the reactionary policies from which we suffer today with respect to national parks.

Nevertheless, one national greenline area was established—the Pinelands National Reserve. As it happened, Congressman James Florio, of Camden, expressed an interest in “greenlining” for the Pine Barrens. The area was long a frustration to conservationists because the one-million-acre region was too big to buy but at the same time it was extremely vulnerable to visual and environmental degradation. The State of New Jersey had already established a commission for the area and had some stringent water pollution laws in place which limited development. It was an opportunity to try “greenlining” on a partnership basis.

Congressman Florio asked me to help him prepare a bill. So I quietly put together a very unofficial task force of experts to craft it. The task force consisted of George Davis, then planner for the Adirondack Park Agency, Jack Hauptman of the Northeast regional office of the U.S. Bureau of Outdoor Recreation, Don Humphrey, an innovative planner with the National Park Service, Pope Barrow of the House Legislative Counsel’s office and myself. We worked with people from New Jersey, with conservation groups, and with experts on intergovernmental cooperation, basing the legislation on the Adirondack/British model, as modified by the special situations that obtained in the Pine Barrens.

As it happened, it was a bit easier to write the bill than to get it passed. But James Florio was entirely dedicated to the idea, working hard on it himself and assigning staff to the project. New Jersey support was won, and after a couple of years a bill, not altogether unlike the one I remember writing, was passed.

At that point in 1978, the United States had two Greenline Parks—the Adirondacks, managed entirely by the State of New York, and the Pine Barrens, managed by New Jersey in cooperation with the federal government. There are still only two Greenline Parks today—although some like to put the Upper Delaware National Scenic and Recreational River into this category.

Perhaps it is time to try for a definition. During the excitement of the Pine Barrens legislative activity, New Jersey Senators Clifford Case and Harrison Williams decided to develop a generic bill, using the Pines as a case in point. The bill—the “National Reserves System Act of 1977,” though never seriously considered by Congress, is worth more than passing interest. For it was through this bill that the best thinking of the best

people in the field was brought together to figure out how to have a system of Greenline Parks.

As I recall, about 30 people sat around a table at the Department of Interior for a whole weekend working out final language under the prodding leadership of Marcia Wolfe, a legislative aide to former Senator Harrison Williams. It was a remarkable *tour de force* for all of us, and showed that good will and grim determination can do anything—including writing a bill with 30 people contributing language. The result was akin to the James Florio site-specific bill for the Pines, but there is some language in the generic version that ought to be highlighted here because it bears on development of a general definition for Greenline Parks.

A key passage in the “purposes” section says that there should be a means by which important areas like the Pine Barrens can be managed as “living landscapes wherein private ownerships, existing communities, and traditional land uses can be maintained, even as their outstanding public values are protected.” That’s the concept in a nutshell.

Elsewhere is this description of what a Greenline Park should be like—and it stands, I believe, as the best short version yet: “(1) the area is a coherent landscape of sufficient size and importance to be judged outstanding in terms of its ecological, scenic, cultural, historic, or recreational values; (2) the area could best be protected, for reasons of cost, land ownership and use, or other factors, by means of a variety of land management techniques as opposed to predominant reliance on fee acquisition of the area; and (3) the area contains a mix of private and public or quasi-public land ownerships, wherein the public or quasi-public ownership, in the form of existing parks, historic sites, natural areas and the like, contributes to its overall landscape quality.”

At present, there are a number of candidate greenline areas fitting this description, but no national legislation is now under consideration for them. The candidates include the Tall Grass Prairie region of Kansas, the Big Sur in California, the Columbia River Gorge in Oregon, and several in New York State, such as the Thousand Islands area. There are, I expect probably between 25 and 50 landscape areas of national significance conforming to the description in the Case-Williams bill. They are unlikely to be proposed as national parks and it is doubtful that—except perhaps in New York—a local initiative alone would ever get a serious hearing in the legislatures of most states. Accordingly, it is hard to conceive of any outcome for these large, outstanding, “living” landscapes other than further degradation as reverse rural migration and the buckshot urbanization that comes with it takes its toll.

There comes a time when an outstanding landscape becomes so “disintegrated” that its essential values to the public are lost. It becomes, simply, real estate. I think, for example, that the Amish farm country in Lan-

caster County, Pennsylvania, is on the verge of such disintegration.

What is to be done? The Carter Administration, during which most of the debate on greenlining was conducted, in their wisdom decided to withhold support for any generic legislation, favoring instead a one-at-a-time approach. I have recently learned from one former administration official that it was their intention to support a generic bill during Carter's second term, after some experience was gained with the Pine Barrens. Great idea! As a consequence, we have neither any kind of policy context in which to express the greenline concept nor do we have any real possibility of introducing legislation for new areas on a one-at-a-time basis.

Almost any new initiative, even one as cost effective as the Pine Barrens, is unlikely during the present administration in Washington. And there are few that would put more than even money on a bet that the administration will be replaced by the Democrats next fall. And so, greenlining is dead in the water and promises to stay that way unless some new energies can be brought to bear.

What is worse, the concept could very well be coopted and entirely vitiated by an approach to landscape protection that is much favored by Interior Secretary James Watt and President Reagan. It is what might be called the policy of "refrainment." The coinage is that of William Chandler, a Washington land policy consultant, and it has been put into place for the barrier islands, those magnificent dunes which guard our shore from New Jersey to Florida. The Barrier Islands bill, recently enacted, provides that the federal government will not itself pay for development projects that tend to encourage adverse development—unless it decides to do so anyway, of course.

One hates to be ungrateful but this is not truly a policy—especially not for the barrier islands which should, if anything, be bought up to extent possible like a regular national park, which some of the islands already are. The logic of "refrainment" is like the logic of the homicidal maniac who pleads for someone to stop him before he kills.

It is possible—likely, in fact—that "refrainment," now approved by the Reagan Administration as the way to go, will be substituted for the more deliberate and affirmative concepts embodied in greenlining. I believe that such confusion could very well kill the idea

and with that kill any opportunity that we may have remaining to us to permanently protect outstanding "living" landscapes in this country.

At the American Land Forum—and we are joined in this by many leaders in the parks field—we believe that it is time for a bold new initiative with respect to national parks and nationally significant landscapes. We have called this initiative the "second generation of national parks" and we would apply the principles of "greenlining" to their acquisition. The medium would be generic legislation which would encourage state and local governments to work with the federal government in identifying candidate greenline areas and coordinating regulatory authorities and development programs. The legislation would provide for a federal contribution to the planning and management of such areas.

What such generic legislation could produce, therefore, is a procedural framework not unlike that for the Wild and Scenic Rivers program, for utilization by those concerned with protecting outstanding areas. We are only now beginning to get down to specifics on the legislation, but the chances are that we will recommend that it be introduced as an amendment to Section 8 of the National Parks Act of 1970. This is the section under which park proposals are to be evaluated by the National Park Service to provide a basis for deliberation by the Congress. It calls for 12 such evaluations to be made each year—which is why it was called the "park-a-month" program. It still is called that, though now with heavy irony. It's been many, many months since any major new parks have been proposed.

I don't suppose that protecting a few dozen landscapes in the United States ranks up there in policy priority with, let's say, MX missiles or even Times Beach, both of which are deadly and crucial land use issues now confronting us. Still, the way we think about our land, and the way we go about protecting our outstanding natural and cultural landscapes from harm, is richly symbolic of how we as a nation feel about ourselves. We are not just visitors on this continent; we belong to the land, as much as the other way around—as Robert Frost has pointed out. A Greenline Park is one small and, surely, imperfect way to express this idea. But it is a way. And we ought to take it seriously.

The New York State Perspective: Greenline Parks

by

Henry G. Williams, Commissioner
New York State Department of Environmental Conservation

The Department of Environmental Conservation is pleased to cosponsor this important symposium with the Assembly Committee on Environmental Conservation and the State Office of Parks, Recreation and Historic Preservation. The Rockefeller Institute of Government is a superb facility and I want to thank Warren Ilchman and Jim Morrell for making it available and for their excellent support.

When Maurice Hinchey and I first discussed the possibility of holding this conference, I saw it as an opportunity to do two things. First, I wanted to share some of my thoughts with you about how we can make better use of our existing authority and programs for resource management and land use planning. Second, I'd like to suggest some initiatives we can take for a Greenline Parks program, even in these times of budgetary restraint.

I'm going to speak primarily about Greenline Parks although most of the principles, management mechanisms and organizational approaches that are inherent in Greenline Parks also are applicable to Urban Cultural Parks. When I served on the staff of then Lt. Governor Cuomo, I was extensively involved in the Urban Cultural Parks Program, by way of encouraging the participation of other state agencies. So I am very familiar with this activity. Commissioner Lehman, Paul Bray, Fred Faust and Gary Douglas will be addressing this program more specifically. However, DEC has a deep interest in it through our work in urban fisheries, urban forestry, urban habitat inventories and other resource management programs. Through our State aid program for county environmental management councils and municipal conservation commissions we can encourage these local agencies to assist by engaging in resource inventory and open space preservation work. Also, through our role in the State Environmental Quality Review Act we can help to ensure that the actions of State and local agencies are consistent with management objectives for Urban Cultural Parks.

In the limited time available to us, it probably isn't feasible to have an in-depth discussion of all of the resource management authorities and mechanisms as well as the wide variety of institutional arrangements which are possible in a Greenline Park. But, we'll begin by defining the term.

A Greenline Park is an area with a defined boundary which encompasses a fairly large and coherent landscape unit with a mix of high quality natural and cultural resources that is too complex to be managed by any single entity. Greenline Parks: (1) contain resources, singly or in combination, that are of more than local significance; (2) usually require multijurisdictional, cooperative management involving several local governments and/or more than one level of government; and (3) are managed by regulation, project review, tax incentives, private initiative and other such mechanisms, rather than by extensive acquisition in full fee.

One of the main points I'd like to make this morning is that I believe we can do a lot more to protect and preserve the great landscapes of New York State with the authorities that we presently have available to us. We aren't using them fully and, in some cases, we haven't made their availability widely known. I'd like to discuss some examples and let you know about some actions we are taking.

First, there are talented and interested people throughout the state who would help directly, but they don't know where to begin. We must improve our outreach and public involvement programs. As one step in this, we soon will publish the first annual edition of the **New York State Environmental Conservation Directory**. This will list all of the major public and private agencies and organizations that are involved in environmental conservation work. It should greatly facilitate communication between all New Yorkers who are interested in progress in the environment.

Second, we all need to have a more complete understanding of the existing programs and authorities that we can use for resource management and land use planning. Accordingly, I have asked my staff to prepare a comprehensive **catalog of these programs and authorities**, including but not limited to those in the Environmental Conservation Law.

Third, we need to do a better job of identifying and publicizing resource values. These are important first steps in protecting and preserving significant resources. We have been doing some of this but I also intend to examine the possibility of establishing a **New York State Registry of Natural Landmarks**, somewhat along the lines of the National Natural Landmarks Program which is administered by the National Park Service.

This afternoon Wint Aldrich will be talking about the work of the Heritage Task Force for the Hudson River Valley and the fact that they are just completing two major reports. One is a management plan for the **Mid-Hudson Historic Shorelands Scenic District**, the first such scenic district in the state and the longest (20 miles) historic district in the nation. The other report is on a proposed **Scenic Roads Program**, which may have statewide applicability.

Designation of scenic areas and sites and of scenic roads is an activity in which the Department of Environmental Conservation can engage under the authority of Article 49 of the Environmental Conservation Law. There are many scenic areas in New York State. I'd like to establish some eligibility criteria and a nomination process, find out where they are and consider them properly for designation.

Fourth, I believe that we can make more use of the **State Environmental Quality Review Act** for protecting important resource areas. Under the statewide regulations for SEQRA, actions within areas that constitute "designated open space" will trigger review at a lower threshold than for actions outside of these areas. Again, we are going to systematically identify such areas. Similarly, I want to encourage more local governments to avail themselves of the authority in the SEQRA for designating "areas of critical environmental concern." Review of actions in such areas also would be triggered at a lower threshold.

Fifth, we need to refine our use of land acquisition authority. I'm going to ask our staff to prepare promotional and technical assistance materials to encourage acquisition of **conservation easements** by local governments. Section 247 of the General Municipal Law of New York State authorizes such acquisition and this law requires that local tax assessors reassess properties encumbered by such easements. We also have been giving strong support to passage of the bill that is pending in the Legislature to clarify the enforceability of in-gross easements that are held by not-for-profit organizations and public agencies.

Last year the Legislature removed an impediment in the State Banking Law with respect to use of the word "trust" for purposes other than banking. We now are free to promote the establishment of **local land trusts** whose work will effectively complement that of The Nature Conservancy and other organizations which are interested primarily in properties of regional and statewide importance. In general, I want the Department of Environmental Conservation to improve its capacity for offering advice and assistance in open space preservation matters.

Sixth, I'd like to see an increase in the use of **consistency determinations** as a means of guaranteeing that the agreements we reach for managing resources will be upheld and that a stable situation will be created as a basis for decisionmaking and investment. This mechanism is one of the cornerstones of the Coastal Management Program. There also is an explicit con-

sistency provision for all state agency actions in the State Wild, Scenic and Recreational River System Act. This offers an important incentive to citizens, landowners and local governments to engage in cooperative planning and management of river-related resources. I'd like to see this in more of our programs.

Depending on their size, river valleys may be conceptually categorized as critical areas or as Greenline Parks. The **Hudson River Valley** as well as the **St. Lawrence, Lower Susquehanna, Upper Delaware, Mohawk and Niagara River Valleys** would seem to fall into the latter category. Many of the smaller outstanding rivers in the state may be protected through cooperative State and local action under the **State Wild, Scenic and Recreational River System Act**. I am pleased to announce this morning that DEC's draft regulations for this program will soon be released for public hearings. When these regulations are adopted, this program should move ahead. River designation will depend in large part upon local interest and support, so the process allows for substantial public and local government involvement.

Many areas in our beautiful state have been mentioned as candidates for a Greenline Parks program. I'd like to make brief note of a few of them.

It is widely recognized that the **Adirondack Park** is the forerunner of the Greenline Park idea. The 100th anniversary of the Park is coming up in 1992 and the centennial of the Forest Preserve, which comprises 40 percent of the six million acre Park, will be held in 1985. So, we soon will be exploring our management experience for that area in depth.

The **Catskill Region** has to be given high priority on anyone's list of prospective Greenline Parks. The region, of course, is larger than the Catskill Park. The work of the Temporary Commission in the early 1970's and that of DEC in the mid-1970's was left hanging. Yet, there is universal agreement that the unique qualities and character of the region merit attention.

Glenn Eugster is here from the National Park Service this morning with an important announcement about the cooperative work we have been doing in the **Thousand Islands**. It has been well established that this unique area is of national significance. I am interested in the approach being taken there and am looking forward to the next steps.

The 1980 Census of Population, showed that the Glens Falls area—just south of **Lake George**—moved into SMSA status. Pressures from development are building up. At Lake George we already have a Greenline Park with a defined boundary and a commission to oversee the protection of the Park. However, we have to be sure that we are doing all that we should be doing to protect this vital resource. I would appreciate having your ideas about this.

The **Upper Delaware National Scenic and Recreational River** is the first National Wild and Scenic River in New York State. At present, we are in the final stages of preparing a management plan in cooperation with

the National Park Service, the State of Pennsylvania, five counties and the Delaware River Basin Commission.

Our main objectives for the Upper Delaware are to control existing recreational use and protect the resource base rather than to run a recreation park for the exclusive use of canoeists and campers. At present we have concerns about whether or not there will be adequate federal support for a program of selective acquisition (including by easement) and for the Intergovernmental Coordinating Council that will be established to manage the river.

Another area in which we have priority interest is the **Long Island Pine Barrens**. This area has been estimated to encompass from 80,000 to 100,000 acres. Protection efforts are aimed not only at preserving the unique vegetation, geomorphology and ecological aspects of the area but also at ensuring prevention of contamination of an important aquifer. DEC already owns the RCA properties in this area, in two major parcels totaling about 7,000 acres. We also have received over 200 acres from Pilgrim State Hospital property and negotiations continue for us to acquire an additional few hundred acres.

We are encouraged by the federal interest in this area

of Long Island. Both Senator Moynihan and Representative Carney have introduced pertinent and supportive legislation. It would seem that a Greenline Park approach combining local, State and federal actions could offer a useful solution to management of this area.

Other areas in New York that fit the Greenline Parks approach include the **Lake Champlain Valley**, the **Finger Lakes**, the **Tug Hill** region and the **East End of Long Island**. Smaller areas include the **Zoar Valley along Cattaraugus Creek**, the **Eastern Shoreland of Lake Ontario** and the **Albany Pine Barrens**. Earlier, we mentioned certain major river valleys. The idea of a local, State and federal partnership for a Greenline Park also has been discussed for the **Hudson Highlands**, but the whole **Hudson River Valley** is of such great importance that it would seem that a better solution ultimately might be found in a very specialized approach.

Some of these proposals would reinforce the Coastal Management Program, which area in itself has the characteristics of a Greenline Park.

The agenda is a large one, but we have a start on some of it. I'll be most interested in getting your ideas about how we can move ahead.

The New York State Perspective: Urban Cultural Parks

by
Paul M. Bray, Counsel
Hudson Mohawk Urban Cultural Park

"A city is the ultimate artifact of our culture . . . and when we talk about preserving it, we are talking not just about buildings and spaces, but cultural preservation, everything that we are."

John I. Mesick

"...a historic neighborhood is a sort of park, secure in its relationship to nature and more stimulating to the senses because of its domestic uses. So it is in Boston's Beacon Hill or Brooklyn Heights. The quiet streets of Washington's Georgetown or Philadelphia's Society Hill are a tonic to jaded nerves."

August Heckscher

"Park planning cannot possibly stop at the edges of the parks. The park system is thus the spearhead of comprehensive urban planning."

Lewis Mumford

Over the last six years, a new vista in thinking about parks has opened up in New York State. In its broadest sense it represents an integration of conservation and recreation into the fabric of the urban community.

The vehicle for this change and the subject of my remarks is the Urban Cultural Park and, in particular, a system of these parks that has been established by New York State. This park concept and its systematic application embodies, under one umbrella, a timely response to urban recreational needs, to well-conceived preservation objectives, to real economic opportunities in traditional community settings, to a period of introspection and pride in our shared heritage and cultural attainments and, generally, to a renewed interest in our cities.

As sometimes happens when societal change occurs, the change—as in the case of the development of the Urban Cultural Park program in New York State and elsewhere—is propelled by needs and events, leaving little time for reflection and thought over what is happening. Therefore, I am pleased that today's conference offers an opportunity to consider the Urban Cultural Park as a public policy issue, to examine its role and its reach and to do this on the same program with Greenline Parks.

The Greenline and Urban Cultural Park concepts share much in common. Both would seek to derive public benefits, including recreational opportunities and resource protection, from coherent geographical

areas with complex ownership patterns and political fabrics. They utilize similar partnerships between levels of government and/or private interests, along with the same legal authorities, programs and planning techniques. The landscapes they focus upon are different—one pastoral and the other "hard surfaced." Yet, both landscapes possess a story and a sense of place that could easily disappear—if effective planning is not undertaken. And, finally, I think that both park concepts need to be better understood by public officials and the public alike.

New York State's Urban Cultural Parks Program was developed through a planning effort, begun in 1977, that reached a certain level of fruition last year with the enactment of a law to establish a statewide system of Urban Cultural Parks. As defined in this law, an Urban Cultural Park is a "definable urban or settled area of public and private uses ranging in size from a portion of a municipality to a regional area with a special coherence, such area being distinguished by physical and cultural resources (natural and/or man-made including waterways, architecture, or artifacts) which play a vital role in the life of the community and contribute through interpretative, educational and recreational use to the public."

Thirteen geographical areas of the state, ranging in size from portions of New York City associated with the harbor to the Village of Whitehall on Lake Champlain (known to be the birthplace of the U. S. Navy), were designated by the Legislature to be parks within the state system. Two parks, the Susquehanna and the Hudson-Mohawk, are comprised of a regional grouping of communities. Buffalo, Rochester, Syracuse, Sackets Harbor, Saratoga Springs, Schenectady, Ossining, Kingston and Seneca Falls—the latter also having a national designation—will make up the remainder of the system.

Each of these areas has a special significance in the historical and cultural evolution of New York State and their place in the state's urban history is evident from their physical landscape.

The focus of the Rochester Urban Cultural Park is the dramatic Genesee Gorge, which was a major force in that cities' development. It made possible, first, flour mills, then textile mills and, now, electrical energy. Creation of the park has resulted in increased public

access to the gorge and is making Rochester's history more "legible."

Dr. Roland Force, Director of the Museum of the American Indian was quoted in *The New Yorker* magazine as saying that "tourists from this country and abroad could read almost the entire history of our United States by journeying to the foot of Manhattan Island and visiting the Custom House, the Statue of Liberty, Castle Clinton, Federal Hall, Fraunces Tavern, and the South Street Seaport Museum." With the addition of the Brooklyn Bridge, the Fulton Ferry, Ellis Island and Sailor's Snug Harbor, we have in the New York Harbor Urban Cultural Park the nation's most historically rich urban setting.

In the Hudson-Mohawk Urban Cultural Park, one can tour the turbine room of a 19th century mill to see how water power was transformed into mechanical energy, enjoy a concert in a restored 19th century music hall, picnic by the lock of a canal, take a dinner cruise on the Hudson River, bicycle along an urban portion of a National Recreational Trail or enjoy the many delights of an ethnic festival.

Each park reveals its own story and offers unique pleasures in an urban setting where people also live and work.

Administration of the State's role in the system is entrusted to the State Office of Parks, Recreation and Historic Preservation (OPRHP), with the help of an advisory council that includes the Commissioner of Education—to assist in matters of interpretation and educational programs—the Commissioner of Commerce—to assist regarding tourism and economic development—and eight other representatives of the executive branch of the State government.

A plan for the statewide system of Urban Cultural Parks was prepared by OPRHP before the recent law was enacted and this law recognizes that plan as a basis for establishment, development and management of the designated Urban Cultural Parks.

To become a formal part of the state system, each designated area must prepare a management plan to be reviewed and approved by the Commissioner of OPRHP. The cost of the plan is to be shared equally by the State and local government and the end product is deemed to be the plan for both levels of government. Its approval is to be based on its attainment of resource protection and the provision of educational, recreational, preservation, economic and cultural benefits for the public at large.

With respect to public policy issues, I would like to comment upon four aspects of the Urban Cultural Park initiative that are important to it and, I believe, to Greenline Parks. These are (1) designation, (2) the management plan, (3) the intergovernmental partnership and (4) financing.

Both the 1977 Urban Cultural Park Planning Act and last year's law establishing the statewide system stressed the dual objectives of protection of resources of statewide significance and their beneficial use by the

public. Yet, they gave the state parks agency little additional guidance in selecting urban settings to be developed as parks in partnership with the State. While the Urban Cultural Park approach to urban planning and resource management is relevant to any settled area, a State role in park development would not have been feasible for many more than the number of special areas that were finally designated.

The Office of Parks Recreation and Historic Preservation deserves a great deal of credit for undertaking the open-ended but rigorous process that resulted in the Legislature's designation of 13 parks. There is little question that the designated areas should be part of the system because of the statewide significance of their resources as well as the demonstrated local interest in participating in the development and management of an Urban Cultural Park. For any park that seeks public benefits from a mix of public and private lands, local support becomes an essential requirement.

The opportunity exists for additional legislative designations to the system. But the state parks agency is asked to review prospective areas as to their significance and the extent of local interest and to make recommendations before the Legislature acts. The law also establishes categories of local and regional Urban Cultural Parks for communities seeking to pursue this public vision of a state park which does not have direct state management.

In place of the act of land acquisition that is the central to the creation of a traditional park, development and implementation of a more complex management plan is the focal point for Urban Cultural Park development. The plan provides a blueprint for: (1) resource management, including an inventory of natural and historic resources and the standards, techniques or means for their protection; (2) the educational and recreational programs that offer the most immediate benefits to the public; (3) for special park facilities; (4) a financial plan and (5) the organizational structure for park management. The plan becomes the basis for coordinating State programs that are beneficial to the individual parks and for determining consistency with State plans. It must be a 'participatory' document, open and clear to all the affected parties in the community as well as to State agencies that have the power to either support or undermine the implementation of the plans.

The implementation of a management plan presents a real challenge. In earlier times, when events moved more slowly, a continuity existed between past and present generations that made for orderly growth. Today, conservation of complex urban areas requires the application of land use controls like scenic and facade easements, transfer-of-development rights, historic and other special districting and design controls, together with nonregulatory programs which can support compatible development, such as preservation tax credits.

While preservation tools like historic districting have worked well when applied to areas that are fairly

homogeneous as to period and use, we have not had much experience at the scale of an Urban Cultural Park or multi-resource area. With respect to the forthcoming use of these tools, we should heed what Charles Little has written about their use in the Greenline Park areas:

What is essential . . . is to use them comprehensively, flexibly, and fairly. Of utmost importance would be to use them in ways that are appropriate to demonstrable and sustainable public purposes. This means thoroughgoing research—using the most sophisticated land capability analysis problem.

In addition to land use controls, the attainment of urban conservation objectives will depend upon development and application of techniques for adaptive reuse of historic structures, rehabilitation of neighborhoods, revival of downtown business districts and general maintenance of the features of a historic setting. This will require a concerted public and private effort to attract developers to historic structures and to implement facade preservation programs and other programs such as the preservation revolving fund that works in cities like Albany.

The educational element of the management plan is also important to the success of both the Urban Cultural Park and the Greenline Park. Vince Moore, Executive Director of the Adirondack Park Agency, recently stated that: "It is in terms of Park interpretation and environmental education that the long-range battle for the Adirondacks will be won." The same is true for each and every Urban Cultural Park and for the statewide system as a whole. Resources will not be valued and protected without public awareness and acceptance. Yet, I think we have much to learn in order to effectively use the city or rural landscape as an educational setting. With Urban Cultural Parks, we face a real test of our creative and communicative abilities.

Implementation of a management plan for either an Urban Cultural Park or a Greenline Park is more complex than for the traditional land master plan. I hope we understand the challenge it presents in the two aspects I have just mentioned and that we are capable of meeting that challenge.

And the coordination problems are difficult. Julie Stokes from Saratoga Springs summed up the problems presented by our complex governmental structure and the frustrations it engenders when she stated in her testimony to a legislative committee that:

Urban cultural parks has the opportunity to become either a coalescing force amongst often confusing and inter-related state and federal programs or to become a bureaucratic study in the celebration of management.

Urban Cultural Park initiatives in Lowell and in New York State began at the community level and worked their way up to the hallways of government of Boston, Albany, and Washington. The concept challenges a community to be a community and to develop a commonly shared image of itself—its origins, present

realities and view of the future. It manages to bring together officials of local government, business leaders, preservationists, recreationalists and other representatives of the community. Though their motives may vary from community to community, common threads of interest became evident and a program in the form of an Urban Cultural Park took shape.

If this kind of unified effort can happen at the community level, it seemed only logical that State and federal officials with a responsibility for preservation, recreation and economic development would want to join forces. If the variety of State and federal programs that affect the cities could be dovetailed to support Urban Cultural Parks, wouldn't there be a real benefit for everyone? That's the theory and the jury is still out.

The Urban Cultural Parks law gives the difficult task of coordinating State programs and activities to OPRHP and its advisory council. Nine State agencies are required by this law to prepare program statements detailing actions in the areas of planning, development, use, assistance and regulation that can support and assist the establishment and management of State-designated Urban Cultural Parks. All State agencies are subject to consistency requirements with respect to the parks. Some agencies have been responsive in their willingness to assist this effort. Others still do not understand it.

When I try to identify a federal role, I find mostly confusion at that level. The State's plan for a system of Urban Cultural Parks was formulated when programs like the Land and Water Conservation Fund, the Urban Parks Recovery Act, historic preservation assistance, etc. seemed to be relatively stable, dependable and determinant. While more recent federal actions like the historic preservation tax credit have been a great help in furthering Urban Cultural Park objectives, many other programs sputter and spirt, making rational and constructive planning very difficult. The federal issue is too large to address fully in my remarks except to note that the Urban Cultural Park and Greenline Park approaches both offer meaningful and realistic opportunities for the federal government to respond to needs it has traditionally recognized.

Finally, a word about financing. The OPRHP has put a great deal of effort into considering the economics of an Urban Cultural Park system. In listing the system's benefits, they point first to revitalization of unused and underutilized buildings and natural resources in central business districts within urban cultural parks. They also stressed the importance of the tourism benefits that the system will generate. Public investment of \$4,000,000 in a typical park is expected to generate \$24,000,000 in private investment—for a ratio of 1:6 for public to private investment.

An estimate of front end State funding needs for the whole system over the next eight years is between \$30,000,000 and \$35,000,000. While it is useful and necessary to set guidelines and limits on public funding for any initiative, it should be recognized that any

estimates are highly suspect because of the economic dynamics of parks that are living landscapes. An Urban Cultural Park visitor center and its staff which are jointly funded by the State and a local government are clearly park expenses. Yet, many other publicly assisted projects that may be integral to an Urban Cultural Park—The City of Troy facade program, the South Street Seaport in New York City and the light rail project in Buffalo—have a fiscal life of their own apart from an Urban Cultural Park budget.

I make this point not to frustrate efforts at figuring out the public financial commitment for either Urban Cultural or Greenline Park. Rather, I hope we will be sophisticated enough to develop an understanding of a new concept in parks (and a financial equation suitable to its complexity) that includes public and private ownership and provides benefits that are sometimes direct, but often intangible.

The Urban Cultural Park idea is motivated by the same objectives of preservation and use as those of the traditional park. Because its horizons have moved beyond cloistered enclaves and out onto the streets of cities, its compass for these objectives is broader.

I hope that we will have the opportunity today to gain a better understanding of these objectives and of the process we are now undertaking towards their realization.

Park Initiatives: Some Case Examples

by

Orin Lehman, Commissioner

New York State Office of Parks, Recreation and Historic Preservation

Editor's Note:

Commissioner Lehman served as the moderator for the afternoon panel session. These comments comprise his introductory remarks.

A few years ago, *The New Yorker* magazine published a cartoon showing one of Henry Hudson's crew heaving Halfmoon garbage into our pristine river. Here we are, almost 375 years later, still trying to cope with the tradition established in that historic moment.

As a historian, I have had the opportunity to look through numerous diaries, letters, and other records of Early American Life. They frequently contain references to places visited because of their natural beauty or their recreational value. The surprising—and disturbing—thing about the places mentioned is that the names of so many of them, if they are recalled at all, are thought about in such a different context today.

How many miles of our rivers are now too polluted for us to eat the fish we catch in them? How many great falls are too disturbed for quiet meditation?

To their credit, earlier New Yorkers were not blind to the problems of retaining choice natural and cultural resources. Almost every generation has turned to its own special solutions. In the mid-19th century, at Washington's headquarters, the City of Newburgh pioneered in historic preservation. The need to protect one of the nation's major watersheds, and to preserve delicate natural balances threatened by the uncontrolled cutting of the Adirondack forests, led to Article XIV of the State constitution. When crass commercial exploitation threatened the visual splendor of the falls of the Niagara River, New York State acquired land for the first major state park in the country.

The quest for workable solutions continues today. On May 30, state and federal officials will cut a ribbon signifying the completion of a successful cooperative effort to provide an acceptable Appalachian Trail corridor through the Hudson Highlands.

We have indeed inherited over the years a whole arsenal of solutions. Unfortunately, we would have difficulty in applying some of them to the problems we face in the 1980s. If anything, the pressure upon open space and other choice natural resources is greater now than ever before.

But we are not as free as our predecessors to consider the acquisition of huge tracts of land. The rising

costs of land, of construction and of maintenance, are also realities that must be observed.

Certainly, in this context, the Greenline Park concept has its allure. The ingredients might not be all that different from those with which we have been working for decades, but the packaging is fresh and the timing is excellent.

The Greenline Park idea offers a means of protecting valuable resources without large-scale public acquisition. The combination of private ownership and public oversight proves particularly appealing when funds for acquisition of large tracts of recreation land are at a premium.

The concept also addresses the problems of overlapping governmental jurisdiction. It gives encouragement for cooperative and coordinated action by all levels of government. Indeed it offers some very convincing arguments that favor federal government resumption of commitments now all but abandoned.

The creators of Greenline Parks, as I have said, draw heavily for their inspiration upon historic preservation, regional planning, agricultural district programs, urban cultural park, linear trail parks and other programs with which those involved in state park administration have long been familiar. Familiarity, in this case, breeds anything but contempt.

Greenline Parks, for example, promise to do for rural areas what New York State's innovative Urban Cultural Parks Program has begun to do for cities. At a minimum, efforts along this line would prove invaluable as a means of encouraging the identification of valued resources and of rallying public opinion on behalf of efforts to conserve them.

The positive experience of the State Office of Parks and Recreation in cooperation with the State Department of Transportation in establishing recreationway systems along canals and abandoned railroad rights-of-way is also relevant to this afternoon's discussion. Town and village lines—so often a barrier to regional planning efforts—seem to have crumbled before the common sense of such desirable intercommunity amenities.

Often, of course, what seems to be a good idea on paper proves to be flawed when put into practice. The excitement felt in the act of creation can easily give way to the frustrations of parenthood. Not all of the past experience with programs of the Greenline Park type has met with unqualified success.

The State Office of Parks and Recreation, for exam- 15

ple, had the sorry task of picking up the pieces as the Hudson River Valley Commission entered its final days. The costs in terms of wasted effort, resources left unprotected, frustrated dreams and damaged careers is too fresh a memory to be readily forgotten.

On other occasions, efforts to establish recreation areas, even when we had the money in hand, were shot down by people who just did not want outsiders traipsing through their domain— and who also might have feared an eventual tax loss.

What enables Greenline-type programs to work in some cases and to end so precipitously in others?

What kind of support—political as well as financial—is required to make the program click?

What parts should the federal, state and local governments play in identification and protection of natural and recreational resources?

How vulnerable to political upheaval and change are the resources we are trying to protect by applying other than fee acquisition methods?

And is there really a way—short of outright purchase—to insure that controls established by one generation will be continued by the next?

Certainly, we have had sufficient experience at this point to come up with informed answers to some of these questions. Before moving ahead with new generic legislation for Greenline Park programs at the state and federal level we would be well advised to examine very carefully the evidence provided by case histories such as the ones we will be listening to this afternoon.

Lowell National Historic Park

by

Fred Faust, Executive Director
Lowell Historic Preservation Commission

Editor's Note:

Fred Faust gave a slide presentation detailing the present status of preservation and development of the Lowell National Historic Park. The Lowell Historic Preservation Commission is an agency of the U.S. Department of the Interior. It is comprised of local, state and federal representatives and is the first such federally funded intergovernmental panel.

The commission oversees a preservation district which surrounds and protects the resources of the National Park. Both the preservation district and the National Park in Lowell consist largely of privately-owned property. Among other responsibilities, the commission has prepared a preservation plan which provides standards for rehabilitation and new construction within the district. It is now working with the City of Lowell to convert these standards to local ordinances. Grants and a less-than-fee acquisition program are tools used by the commission to implement its goal of preserving a 19th century physical setting.

The slide presentation showed the transformation of a city once marked by empty lots, drab and derelict factory buildings and plaster storefronts. Today, Lowell is an educative city that has restored its 19th century buildings and is using its canals and other urban resources for cultural and recreational programs. Park rangers guide tours through a city that reveals the human story of the Industrial Revolution. Projects like the revitalized Marker Mills with its visitor center, restaurants, artist studios and apartments are among the physical and human success stories in Lowell.

Fred Faust presented Lowell as a successful effort at building an intergovernmental and public/private-partnership. The result is preservation of one chapter of the nation's heritage and recreational and cultural benefits for the public at large.

The Thousand Islands Greenway Proposal: An Announcement

by

J. Glenn Eugster

Chief, Division of Natural Resource Planning
Mid-Atlantic Region, National Park Service

I work for the National Park Service (NPS) in the Mid-Atlantic Regional Office and am in charge of a river conservation technical assistance program for 13 states in the Northeast. My staff and I are also responsible for the Department of the Interior's activities within the Pinelands National Reserve. I'm here today to announce the distribution of the St. Lawrence/Thousand Islands Areas report.

The Thousand Islands covers an area approximately 50 miles long and nearly 5 miles wide in northwestern New York State. The area, comprised mainly of more than 1,700 islands within the St. Lawrence River, forms part of the boundary between the U.S. and Canada. The river is the second largest in North America. The volume of water carried by the river, estimated at 155 million gallons per day, is exceeded worldwide only by the Amazon. Land use is a combination of single family homes, dairy farms, woodlots, small riverfront towns, parks, recreation areas, and forests. The area is a nationally known tourist destination.

In 1981, NPS was requested by the New York Department of Environmental Conservation (DEC) and the St. Lawrence-Eastern Ontario Commission (SLEOC) to provide technical assistance to help identify options for the conservation of this area of the St. Lawrence River. Assistance of this type is authorized under Section 11 of the national Wild and Scenic Rivers Act. Our study was conducted cooperatively with DEC, SLEOC and the State Office of Parks, Recreation and Historic Preservation. In addition, we worked with an advisory committee comprised of local officials and representatives of private groups.

The purpose of the study was to determine the most appropriate way to conserve the area and yet be consistent with and supportive of the area's goals for economic development. The major findings and recommendations of our study are as follows:

- The resources and features of the Thousand Islands area are unique, irreplaceable high quality resources and are of limited number in the United States. The area is without question, one of the great landscapes of America.
- We found that there is a significant base of support by citizens and public agencies for improved

management of the area. The people of the area have a clear preference for local initiative and control in the future planning and management of the Thousand Islands area.

The predominate issues that were identified by the residents of the area are:

- Winter navigation
- A lack of economic opportunity due mainly to the seasonality of the local economy, and
- Preservation of the quality of the environment.

The major recommendation of our study is for local governments and private interests, with the help of DEC and SLEOC, to seek assistance to prepare an areawide Greenway Plan.

The purpose of the plan would be to establish a regional partnership between local governments, New York State government, the federal government, and private landowners to achieve specific objectives for the conservation and enhancement of the area's land and water resources.

The main consideration in preparing to undertake development of the plan and the major elements of the proposed plan should include:

- Establishment of a council of state and local government officials and private representatives to direct preparation and implementation of the plan.
- A strategy for funding preparation of the plan.
- A statement of goals and policies to guide the plan.
- A survey of local government and landowner attitudes.
- An evaluation of existing state and local and water management laws and programs to determine whether they are adequate to effectively manage the area.
- The plan itself would include: recommendations for existing and proposed land and water use and management.
- Special recommendations for administration and implementation of the plan.
- A clear delineation of the responsibilities for local, state and federal governments and private landowners.
- Most importantly, a financial strategy to identify sources of revenue and assistance to help implement the plan.

As part of the proposed plan we also recommend that a recreation and tourism strategy should be developed for the area, and that a private non-profit land trust should be established.

The strategy for the conservation of the Thousand Islands has been designed to ensure that local government will have an opportunity to play a major role. It's based on a consensus. The future of the St. Lawrence River will be decided by the people of the area and by other interested parties in New York State. These individuals and organizations have a unique opportunity to attract more visitors and income to the area and to conserve the special qualities of the river corridor that make it so attractive to residents and visitors alike. The proposed Greenway Plan is a way to involve people in the landscape decisionmaking process. Greenways—or Greenline Parks—are more a process rather than a place.

The Upper Delaware National Scenic and Recreational River

A New Concept in Resource Preservation

by
John T. Hutzky, Superintendent
Upper Delaware National Scenic and Recreational River
National Park Service

Editor's Note:

In principle, the Upper Delaware National Scenic and Recreational River is one of the foremost examples in the United States of a Greenline Park. The 1978 legislation which designated the 75-mile river segment in the national Wild and Scenic River System sets a limit of 450 acres on federal acquisition during preparation of a river management plan and no more than 1,000 additional acres may be acquired after completion of the plan. Corridor boundaries, set in conjunction with the 1978 act to encompass about 75,000 acres, may be refined somewhat during plan preparation. Essentially, most of the corridor—which was established to ensure valley wide (“ridge-to-ridge”) protection—must be managed through a cooperative intergovernmental effort involving concerted and coordinated application of existing legal authority and programs.

A particularly heavy responsibility falls on the 15 towns and townships along the river (i.e., eight towns in New York and seven townships in Pennsylvania) and on the states of New York and Pennsylvania to accomplish river protection by exercise of regulatory powers. The Upper Delaware, although only a one and one-half hour's drive from Manhattan, is in a rural area that has changed little during the past 40 years. (The more recent and growing influx of canoeists—there are more than 3,000 canoes for rent on the river—and related private campgrounds are having a strong impact, however). Most of these communities will have to substantially upgrade subdivision and zoning ordinances and implement other strong land use controls to meet the requirements of the Wild and Scenic Rivers Act.

There still is some local foot-dragging going on—and a lot of wrangling about the boundaries—as the National Park Service tries to finish the plan and EIS on which hearings were held in November 1982 and in which Congress already has invested about \$1.5 million. (The states and the county governments also have made a substantial investment in staff time.) At this writing, it appears that this may slip over into 1984. A wide range of issues are unresolved and the consensus that existed earlier on some matters seems to be in jeopardy.

When the plan finally is adopted, however, the local governments will have up to two years to adopt adequate local land use plans and controls. If they do not, the Secretary of the Interior is authorized by the 1978 act to acquire up to 100 acres per mile within the corridor to “enforce” the resource protection requirements of the Wild and Scenic Rivers Act. The plan also calls for the state legislatures in New York and Pennsylvania to institute a moratorium on development in the event of local default.

The legislation affords some “carrots” too, as Superintendent John Hutzky explained during his slide talk. Not only is the NPS ranger staff on hand to help manage recreation use and trespass problems and do interpretive work but also the act provides for local financial assistance. About \$250,000 a year has been made available in each of the last several years for local trash pickup and law enforcement.

The success of the Upper Delaware “Greenline Park” will depend in large part on the ability of the National Park Service to provide planning and management leadership in a non-traditional setting where almost no land is in federal ownership. These cooperative intergovernmental working arrangements are somewhat foreign to the training and career objectives of the typical Park Service employee. This is one of many factors that will contribute to success or failure.

The big question is: Will all of the participants in the Upper Delaware planning and management process have the vision, over the short term and the long term, to seize the opportunity that is now before them. They are in the forefront of a pioneering effort to develop a type of national park that is new to the United States. The jury is still out on this one.

The text of Superintendent Hutzky's slide talk follows:

With this presentation, I would like to introduce you to the Upper Delaware—and to its scenic and recreational qualities. I would also like to talk about the National Park Service's involvement in the area and some of our planning and management concerns. And finally, I'd like to talk about some of the issues that are important to the river valley.

Our story begins in 1968, when the United States Congress passed the Wild and Scenic Rivers Act. That 1968 legislation directed that the Upper Delaware be studied for possible inclusion in the national wild and scenic river system. The study, done for Congress by the Bureau of Outdoor Recreation in cooperation with two states and other federal agencies found that the Upper Delaware, from the confluence of the East and West Branches below Point Mountain in Hancock, New York, seventy-five miles downstream to Port Jervis, qualified for inclusion because of its scenic quality, fish and wildlife values—including threatened species such as the northern wild monkshood and the bald eagle—its recreational potential, and abundant cultural resources—such as unusual architecture, the remains of early transportation systems, and archeological sites. Combined, all of these elements make up the living rural landscape that is uniquely the Upper Delaware's.

On November 10, 1978, the Upper Delaware was added to the national system of wild and scenic rivers. This was a very special piece of legislation, tailored specifically to the needs of this valley, calling for continued private ownership of most lands with minimal federal acquisition and unprecedented cooperation between private land holders and all levels of government. The legislation provides for immediate management of recreational use of the river by the National Park Service. It calls for payments to local governments for trash removal. Unfortunately, graffiti aren't as easily removed as the beer cans. It also provides for payments to local government for law enforcement to be carried out within the corridor.

The legislation provides for adoption of land and water use control guidelines by the Secretary of the Interior. These were adopted in 1981. The law places heavy reliance on local land use controls and calls for cooperation between the several levels of government that have jurisdiction in the corridor.

The 1978 legislation also requires that a river management plan be developed. An intergovernmental planning team was organized in 1980 to develop the plan. This team is made up of representatives from the planning agencies of the five counties—Delaware, Sullivan and Orange in New York, and Pike and Wayne in Pennsylvania—and professional staff members of the resource agencies of the two states and the Delaware River Basin Commission. The planning effort is led and managed by the National Park Service. Members of the Park staff are team members and actively participate in planning, as do some of the Citizen's Advisory Council members.

The planning team has been dealing with a number of key issues. The first is the question of balance. The law requires that the plan emphasize protection and preservation of the valley's existing character—its scenic, natural and cultural qualities? But to what extent should its focus on economic and tourism development and enhancement of the valley's economy. In attempting to achieve a delicate balance

between resource preservation and economic development, the team has had to determine how each can be accomplished, and who should take the lead. We also have examined the best methods for managing the river, looking carefully at whether or not we should focus on such people-oriented solutions as education, information, and enforcement.

Other issues include:

- Should facilities such as river rest areas be provided in anticipation of river user needs?
- Should the liveries—which collectively have more than 3,000 canoes for rent on the river—be required to have commercial licenses?
- Should individual canoe permits be required?
- What type of recreational facilities should the plan recommend? Scenic highway overlooks? A valley train excursion or scenic valley tour? Hiking trails? Snowmobile trails? Off-road vehicle areas? More access for boats and canoes? Picnic areas? Swimming areas? Public river bank fishing areas? More family campgrounds with vehicle access and all services? Primitive campgrounds with sanitary facilities, accessible only by boat or foot trails? These are some of the types of recreational facilities that might be recommended by the river management plan.

Another key issue involves the cultural resources that contribute so much to the valley's character. In addition to archeological remains, there is a wealth of historical industrial sites and canal remnants. What should be done about these sites? Is their preservation important and, if so, how can we accomplish that? Should some of these sites be accessible to the public as part of the Upper Delaware story? Should some historic industrial sites be fixed up or re-used? Who should take the lead in these activities? Is it important to preserve buildings in the valley with distinctive architecture?

John Roebling's Delaware River Aqueduct, originally built for the Delaware and Hudson Canal, is the only cultural resource feature in the valley that is owned by the National Park Service at present. It was acquired in March 1980. At that time it needed immediate repairs. The deck was replaced with new materials. The bridge was reopened to pedestrian traffic only in October 1980, whereas formerly it was operated as a privately-owned toll bridge and carried a limited amount of automobile traffic. The bridge still has urgent preservation needs and engineering studies are in progress to determine how to go about stabilizing the structure while preserving the significant historic elements of the bridge. The issues with which we have grappled are: Should this historic river crossing be repaired to the extent that it can be reopened to light vehicular traffic? Should those who benefit pay a toll in order to help maintain the bridge?

The safety of river users is an important issue of urgent concern to the planning team, to the Citizen's Advisory Council and, of course, to the Park staff. (These slides show how not to use the river.) In 1980,

ten people drowned in the Upper Delaware. There was one drowning during each of the 1981 and 1982 seasons, and so far this year there has been just one drowning. Though it is certainly too early to say that this is a positive trend, it certainly is encouraging. Should the National Park Service and others, such as the National Canoe Safety Patrol volunteers, continue or expand programs focused on education? Should more emphasis be put on new rules and enforcement? Should the use of what we often call life preservers—technically known as personal floatation devices—be required? Should special PFD's be required for children? Should we seek ways to ban alcoholic beverages and beverage containers from the river? What other actions should be taken for safety's sake?

Beyond these issues, there are the very basic issues of water quality, water quantity in terms of releases and flows from the New York City water supply reservoirs on the East and West Branches of the Delaware and related issues of flood plain management. The essence of the challenge here, on the Upper Delaware, lies in finding ways to continue to use the river for recreational purposes while protecting its scenic and cultural values.

The Hudson River Valley

by

J. Winthrop Aldrich

Special Assistant to the Commissioner

New York State Department of Environmental Conservation

The role of the Hudson River Valley in colonial history, the Revolutionary War, transportation development, landscape gardening, architecture, landscape painting, outdoor recreation, and the conservation movement is well known to all of you. For 150 years the valley has served as the nation's primary area for a test of wills between, on the one hand, the "can-do" ingenuity of engineers and entrepreneurs for which America is renowned and, on the other, who discovered and continue to rediscover be nourished by the continent's unique wilderness and natural scenery and to celebrate it, rather than man's works, in poem and painting.

This grand conflict, deeply embedded in our national character, continues to ebb and flow in the Hudson, most recently swirling around energy generation and transmission line issues. Landmarks in this history have been the ultimately successful defense of Storm King Mountain by Scenic Hudson, Inc. and the turning back of a nuclear power plant and cooling towers in Greene County which would have intruded on the view from Olana. These recent achievements have been due in part to public recognition of potential for adverse aesthetic impact on the resources involved.

Concern about the impact of development was expressed in the 19th Century, which led to private organizational action regarding restoration of natural lands along the Hudson—most notably by the American Scenic and Historic Preservation Society. This, in turn, led to the first significant governmental action—creation of Palisades Interstate Park Commission at the turn of the century—followed by gifts of vast acreages of state parkland along the west shore by the Rockefellers, Harrimans and Perkins.

Next, in the late 1930's, with pressure from the newly formed Hudson River Conservation Society, the Legislature and Governor Lehman appointed Erastus Corning, 2nd, then a state senator, to co-chair a special commission to inquire into the state of the Hudson River and its shorelands (then being defaced by quarrying) and recommend remedial action. Then in the 1960's again in response to organized private alarm, Governor Rockefeller and the Legislature appointed a temporary Hudson River Valley Study Commission, leading the next year to the establishment of a permanent (or so we had hoped!) commission.

The commission, in its 10 years of active existence, made its mark in several ways. It established a specific jurisdictional boundary based roughly on sightlines from the river—a greenline, if you will. It performed project review, conducted hearings on developmental projects within the jurisdiction and advised local governments on mitigation of adverse visual and other impacts. And it made a start on comprehensive resource inventorying and planning.

After the Hudson River Valley Commission fell victim to budget cuts, the State Legislature conceived a less structured approach, encouraged by Scenic Hudson, Inc. and allied groups. After some discussion of the applicability of the State Wild, Scenic and Recreational Rivers Act to the Hudson River Valley—and deciding that it wasn't—a bill was enacted in 1978 directing the Department of Environmental Conservation to study riverfront issues and opportunities along certain portions of the Hudson south of the Rip Van Winkle Bridge and submit recommendations. This was carried out under the enthusiastic leadership of then Commissioner Peter Berle and an active advisory committee of private citizens and local officials. The excellent consultant report prepared for the project was the work of George Raymond and Edith Litt (who is here today) of Raymond, Parish, Pine & Weiner. The final report, submitted to the Governor and Legislature in early 1979 by Commissioner Berle's successor, Robert Flacke, contained numerous recommendations which are likely to serve as the action agenda for the Hudson Valley for some time to come.

These include:

- A proposed Scenic Roads Program
- Scenic Area designation for the Historic Estate District in Dutchess County and for the Hudson Highlands
- More effective use of the State Environmental Quality Review Act to protect the valley's scenic qualities
- Local designation of Areas of Critical Environmental Concern
- Review of scenic impacts
- Better use of certain existing enabling legislation by local governments to enact and implement ordinances to assure protection of resources
- Promotion of transfer-of-development rights as a local zoning tool

- Passage of conservation easements legislation
- "Scenic River" designation for the Hudson Highlands under the State Wild, Scenic and Recreational River System Act
- Waterfront recreational access development
- Study feasibility of a federal presence in the Hudson Highlands, consistent with the Area of National Concern or National Reserve concept (Greenline Park) and with the idea of establishing an "Emerald Necklace" or greenbelt around the metropolitan area in the Lower Hudson Valley
- Listing of priority land preservation or acquisition targets
- Establishment of a Heritage Task Force for the Hudson River Valley

This last item was the first of the recommendations to be adopted. At the direction the Governor, the Task Force was appointed by the Commissioner in 1980. Consisting of a dozen local citizens and officials from the riverfront counties and communities, it is chaired by Dr. Michael Rosenthal, who is here with us today. Its operations have been funded by State appropriations, for which primary credit again belongs to Assemblyman Maurice Hinchey.

In recent years several other programs which bear on the concerns of this conference have made their mark in the Hudson Valley. Some of these have been mentioned by Commissioner Williams. Those that offer some incentive for resource protection or enhancement include:

- Agricultural-districting
- Forest Tax Law
- National Register of Historic Places
- Coastal Area Management

In another coastal program, the National Oceanic and Atmospheric Administration has designated four exceptional tidal marsh areas as elements in the Hudson River National Estuarine Sanctuary with management planning funded by the federal government and performed by the Department of Environmental Conservation. Thus, we have a new "federal presence" on the Hudson. The primary purposes of the designation are: research, education, and recreation.

Much land is already owned by the federal government (West Point, Hyde Park Historic sites, Appalachian Trail); the Palisades Interstate Parks Commission, the Taconic State Parks Commission, Department of Environmental Conservation; by counties; and by private conservation organizations. However, key parcels continue to become available and should be preserved, whether by one agency or another, whether by easement or fee acquisition, whether for recreational river access, scenic or historic buffer areas, ecological protection or (as is so often the case) for a combination of all these worthy public purposes. DEC's purchase of the Tivoli Bays State Nature and Historical Preserve is a recent example.

Toward this end, the conservation easement bill should be enacted, the Office of Parks, Recreation and

Historic Preservation and Department of Environmental Conservation land acquisition programs under the 1972 Environmental Quality Bond Act should continue apace, and thought should be given to transferring the State-owned underwater lands in the Hudson River from the jurisdiction of the Office of General Service to that of the Department of Environmental Conservation and the Office of Parks, Recreation and Historic Preservation, as appropriate.

I will now return to the topics of scenic areas and scenic roads. The initiative of a first application of Article 49 of the Environmental Conservation Law, whereby the DEC Commissioner would designate the Hudson Highlands in the vicinity of West Point, as proposed in the 1979 report, proved to be untimely due to local alarm and misunderstanding. Accordingly, we moved our attention to other areas and, in 1980, Commissioner Flacke designated twenty miles of shore front on the east side of the river, between Hyde Park in Dutchess County and Germantown in Columbia County, as the Mid-Hudson Historic Shorelands State Scenic Area. This area encompasses within it a 16-mile long National Register Historic District, a part of the Estuarine Sanctuary, several state parks and state and federal historic sites. It also includes public recreational resources, agricultural lands, tourist attractions and potential scenic roads.

Arrangements were made with a unique local organization—the Hudson River Shorelands Task Force—to prepare a draft management plan for the district. This task force was created by the several affected town governments and it is funded by grants from the J.M. Kaplan Fund and other charitable foundations to address the special problems of land use and preservation planning for the big estates within the area. The membership of the Task Force consists of appointees of the local governments, including members of the town boards and planning boards.

A consultant, Robert Toole of Saratoga Springs, has labored long and well to balance the State's needs for a viable plan with local desires for home rule. I have not seen the finished product, which is due to be delivered to the Heritage Task Force and then to Commissioner Williams within the next several weeks, but I understand that it includes a comprehensive inventory of resources and statement of goals, and that through its careful definitions and evaluations it is hoped that future charges of arbitrariness may be minimized. Implementation will be largely a local matter, coordinated or performed by a district advisory organization—probably the existing Shorelands Task Force.

The plan does not at present call for designation by local governments of the Scenic Area in its entirety as an Area of Critical Environmental Concern under the State Environmental Quality Review Act—although this may occur incrementally. The key element for management will be enhanced by local land use regulation and site plan review for visual impacts, based on scenic criteria set forth in the plan.

We all look forward to completion of this plan and to the experience of implementing it to serve as an effective and proselytizing case study for use in establishing State Scenic Areas elsewhere in New York.

In closing, I will report briefly on the Scenic Roads Program. This has been undertaken by the Heritage Task Force on behalf of DEC with specific funding from the Legislature. Starting with the premise that the preeminent scenic "highway" in New York, and perhaps in the nation, is the Hudson River itself, the Task Force set about to identify the automobile roads and highways which are worthy of consideration. Consulting contracts with eight county planning departments were arranged, and the nominations came from that source. The counties also commented on field practicability of criteria and management proposals.

The L. A. Partnership, a Saratoga Springs consulting firm, is developing the final report, which will contain (in addition to the lists of roadways by classification) criteria; maintenance and management guidelines; and tools for the outreach effort to develop understanding and support by local communities.

This report will be transmitted by the Heritage Task Force to Commissioner Williams within the next couple of weeks. The report, or a summary, will then go to the Governor and Legislature. Eventual designation of scenic roads by the Department of Environmental Conservation, based in part on local support, will follow—we hope. Additional funding will be required by affected State, county and town highway departments in order to ensure adequate maintenance and management.

What I have discussed here may be described as "fits and starts" toward a comprehensive Greenline Park for the Hudson River. We need your help to medicate the fits and sustain the starts.

The New Jersey Pinelands

by

Terrence D. Moore, Executive Director
Pinelands Commission

In 1978, through Section 502 of the National Parks and Recreation Act, the Pinelands National Reserve was created. The approximately one million-acre reserve, encompassing portions of seven separate counties and 56 municipalities, became the testing ground of a state's ability to preserve and protect a recognized national asset.

Then New Jersey Governor Brendan Byrne, in response to the federal act, established the Pinelands Commission and a "moratorium" on development in the Pinelands until a plan for the area could be completed. The "moratorium" was not a ban on development. Rather, it was a review procedure to determine if projects would be consistent with the environmental restraints of the Pines and if certain hardships would be caused by delay in development.

The Commission is composed of seven appointees of the Governor, seven appointed by the counties, and one representative appointed by the Secretary of the Interior.

In June of 1979, the Pinelands Protection Act was signed by the Governor. It established the Pinelands Area under the Commission's jurisdiction. Since portions of the National Reserve were then being administered by the State's Division of Coastal Resources, the Pinelands Area only encompassed 52 of the 56 municipalities. The act, perhaps one of the strongest pieces of state land use legislation in the nation, conveyed extensive planning and development review authority to the Commission and provided for a strong implementation procedure. Upon the adoption of a Comprehensive Management Plan (CMP), each county and municipality could revise local master plans and zoning ordinances and submit them to the Commission for certification as being consistent with the CMP.

In November of 1980, the Commission adopted the CMP which was then approved by the Governor and, later, by the Secretary of the Interior on January 16, 1981.

The Comprehensive Management Plan sets forth seven separate management areas ranging from a Preservation Area District to a Regional Growth District. Varying densities are assigned to each management area. Strong environmental standards are utilized to evaluate all development proposals, particularly standards to protect the region's 17 trillion gallon aquifer resource. A transfer-of-development rights program titled "Pinelands Development Credits" was also

implemented under the plan. The latter allows property owners in more restrictive districts to sell credits to developers in Regional Growth Districts, entitling the purchaser to bonus density increases.

While there was an initially adverse reaction in many quarters to the new plan which affected 20 percent of the State's land area, progress has been made. A sense of permanence is now apparent due to the strong support of both Governor Byrne and his successor, Governor Thomas Kean.

At this time, the Commission has fully certified the revised master plans and zoning ordinances of 24 municipalities and has conditionally certified 12 others. Seven municipalities are in the process of conforming and certification should be completed by the end of 1983. In nine municipalities which have resisted the process, the Commission directly implements development review authority. The latter are centered primarily in Atlantic County.

Four county master plans have been certified and one has been conditionally certified. Atlantic County has resisted the plan and the one remaining county is expected to conform after its three municipalities have been fully certified.

The Pinelands Development Credit Program, while slow in starting due to the need for local ordinance changes, is beginning to gather strength. The first private sale of credits occurred in December of 1982. Burlington County has also purchased 13 credits through the establishment of a county credit exchange which buys, and then will auction, credits to developers. Legislation is pending in the Assembly to create a State "bank" and a bond issue is being proposed to provide additional financing for this purpose.

The CMP also called for the acquisition of approximately 100,000 acres of land in the Pines. To date, 28,000 acres have been acquired or are in the process of acquisition. These purchases are financed through State and federal matching grants authorized in the federal act.

Another hopeful sign is pending legislation to provide in-lieu of tax payments to municipalities, particularly in the Preservation Area, that have been financially impacted by the CMP. Little development is permitted by the plan in this 368,000 acre expanse which is home to the most sensitive of the region's environmental resources.

It is becoming apparent that the Pinelands' ex-

perience is becoming a successful one despite early legislative efforts to dilute the Commission's authority and a myriad of litigation (all of which suits have been won by the Commission).

Some Lessons Learned

While the Pinelands experience in total is not transferable to other jurisdictions, basic principles can be applied. Those close to this effort would agree that the following are, perhaps, the most important elements of success, to date.

1. A Committed Chief Executive

There is no doubt that the major factor of survival in the Pinelands effort has been support by the State's two governors. Brendan Byrne called the Pinelands his key contribution to future generations of New Jersey's residents. He turned back early legislative efforts to dilute the Pinelands Protection Act and subsequent efforts when the CMP was adopted. Governor Thomas Kean has continued that level of support, making it known that changes in the act will not be looked upon favorably while he is in office. The support of the State's chief executive is a key to a sense of permanence which tends to break down opposition to the plan.

2. Strong Legislation

The Pinelands Protection Act is among—and perhaps is—the strongest land use legislation in the nation. It specifically provides authority for and details the restrictive nature of the resulting plan. Most importantly, it provides for immediate implementation without a series of subsequent legislative approvals and for the loss of local authority in cases of non-compliance.

3. A Representative Authority

The 15 members of the Commission represent statewide, local, and federal concerns. Despite early predictions that a major split would occur between State and local appointees, the CMP was adopted by more than a two-thirds majority of the Commission. Local representation has provided indirect communication on issues of local concern and an acceptable avenue in explaining the CMP to local appointing agencies. The contributions of local representatives in the conformance process has been a major factor in its success.

4. A Scientific and Legal Basis

The environmental standards and management area delineations of the CMP are based upon sound scientific observations. They are, simply, supportable and difficult to attack.

The major legal analysis undertaken by the Commission as the plan was drafted has paid dividends beyond expectations. As stated previously, the plan has survived every legal challenge. This has not only had the obvious result of legitimatizing the effort, it has lead to a perception that the Commission is unbeatable. The latter is not a small factor in diluting opposition to the plan.

5. Flexibility in Implementation

The CMP was designed for flexible implementation. During the conformance process, communities are encouraged to suggest modification in management areas, and alternatives to the plan's various environmental programs. The Commission has been responsive to legitimate local needs as evidenced by its certification record. The initial hostility toward conformance breaks down when a minor modification to include this adjacent street or that 20 acres in a less restrictive management area is granted. An understanding also occurs when a major modification request is denied or reduced to manageable proportions. The discussions become educational for both sides of the table.

6. Development Review

The development review process has been one that promotes consistency of decisionmaking as verified by the Commission's favorable record of being sustained on appeal from its actions.

The Commission also chose not to require applications for residential accessories. For a screened-in porch, a small expansion to a home, and other minor development activities, one need not apply. This degree of "not being picky" has allowed the Commission not to be subject to the emotional and politically explosive denials of "my kid's tree house."

The Commission also encourages environmentally sound development in the region's Growth Districts, and recognizes the vested rights issue with a program guaranteeing a reasonable rate of return on prior investments made in reliance on approvals granted prior to the plan. Consistency, however, remains the key.

Applicants also may request from the Commission "Letters of Interpretation" where the plan does not specifically address a given set of circumstances. This has been an invaluable tool to expand the plan to resolve unusual situations not anticipated during its drafting period.

7. Public Education

The Commission did not do the best job of educating the public, primarily due to the legislative timetable for drafting the CMP. It is an important aspect that is slowly evolving today. Understanding the resource and reasons for its protection are of greatest importance for acceptance of this major governmental action and should not be overlooked. As each individual learns that the area's aquifers can be easily contaminated due to the Pineland's sandy soils, another ally is gained.

8. An Open Ear

The Pinelands Commission and its staff will go anywhere to listen to anyone. The Commission, its subcommittees, and staff spend limitless time meeting with organizations, local officials and planning boards on issues of conformance and applications for development. A partnership is evolving between local jurisdictions and the Commission. Communications are im-

proving, advice is sought on both sides, and the hostility—while still evident—is slowly being replaced by recognition of a face, a small joke, and a discussion of this issue or that. Hopefully, a resolution or at least an addressing of the concern in some manner can be achieved jointly. Communications and the willingness to be present in a town hall to be yelled at, or to be of assistance, is critical for mutual understanding and respect.

The Commission has not always been as successful in each of the above elements as it wishes to be. It has, however, learned that each is important if government is to successfully achieve the implementation of this experiment in regional land use regulation. The Pinelands National Reserve, indeed the concept of Greenline Parks, is defined as “a partnership.” The resulting plan can be as strong as New Jersey believes the CMP to be. Its future will depend upon the nature of its combined implementation by federal, State, and local jurisdictions.

The Hudson Mohawk Urban Cultural Park

by
Gary Douglas
Executive Assistant to the Mayor
Village of Waterford

The Urban Cultural Park concept, as it is being advanced today in the New York State, is in many respects the ultimate embodiment of the Greenline Park idea.

Whereas the basic Greenline Park approach requires that people think of parks in terms of defined areas of resource management rather than publicly owned and operated parcels of property, there is still a tendency to think of natural rather than man-made resources as the primary focus of interest. Such is the case, for example, with the Adirondack Park or the Upper Delaware River. The Urban Cultural Park concept, however, requires people to stretch their traditional visions of a park still farther, encompassing areas as parks which may have no natural settings or sites at all or a mix of park resources which is far more urban and man-made than green and natural.

The ingredient that makes such a non-traditional park area a park is the existence of resources which are capable of being developed and interpreted in such a way as to meet public recreation and cultural needs and interests.

The Hudson-Mohawk Urban Cultural Park is presented as an example of what an Urban Cultural Park is all about.

Geographically, it is comprised of six whole municipalities in the Hudson-Mohawk region—the cities of Troy, Cohoes and Watervliet, the Town of Waterford, and the villages of Waterford and Green Island. While this defines its locations, it does not begin to tell the story of its resource content, which is extensive and greatly varied in form.

The Hudson-Mohawk Urban Cultural Park is, first of all, in its most traditional tie to past park concepts, rife with sites of natural beauty, such as the Hudson and Mohawk rivers themselves, the Cohoes Falls, the Poestenkill Gorge in Troy, and Peebles Island in Waterford—itsself a state park facility. The existence of Peebles Island State Park creates an interesting state-park-within-a-state-park situation, or the traditional within the untraditional.

The Hudson-Mohawk UCP is also the canals and transportation systems of the area—the Erie Canal Recreationway in Cohoes, the 1823 Champlain Canal in Waterford, the Waterford flight of locks on the NYS Barge Canal, the site of the Erie Canal entranceway in Watervliet, and the area's historic railways and stations.

And it is the historic residences and districts—the homes of those who settled and developed the area in such a manner that it became known as the “birthplace of the American industrial revolution,” from the workers to the historic districts in the Village of Waterford and the City of Troy, the worker housing of Cohoes, the industrialists' mansions in Cohoes and Waterford.

More than where people have lived, however, the park is also where they worked—the factories and foundries which brought them here and which were the center of the area's economy for generations, a historic part of America's industrial and economic development. Witness such sites as the Watervliet Arsenal, the Ford Motor Company plant in Green Island, the great Harmony Mills and other former knitting mills of Cohoes, the Burden Ironworks office building in South Troy—now home of the Hudson-Mohawk Industrial Gateway and slated to be one of two prime tourist orientation centers for the park—the other mills and landmarks such as the gasholder building in Troy, and sites in Waterford such as King's Waterpower Canal, the Laughlin Mill, and the Gasworks.

The park also is all of the institutions of learning and places of worship, most created in large part from the wealth of the area's 19th Century industrialists and merchants to serve the needs of both a growing population and a growing economy. Besides an extraordinary collection of beautiful and historic church edifices, the park boasts the presence of such institutions as Rensselaer Polytechnic Institute, America's oldest engineering school; Russell Sage College; and Emma Willard, the nation's oldest secondary school for young women.

Beyond all these things, however, there is more. For the Hudson-Mohawk Urban Cultural Park is not only sites and buildings and structures—it's human activity.

It's the business and shopping resources of the area—the many interesting restaurants and taverns, marinas, shopping districts, and warehouse, factory and specialty stores. And it's the recreational and educational activities that are carried on within the park—the tour programs of the Hudson-Mohawk Industrial Gateway, community and ethnic festivals, river cruises, live theater and concerts at the Cohoes and Troy Music Halls, exhibits and presentations at the

park's several museums, the special events such as the Hudson-Mohawk Heritage Trail marathons and bike rallies.

It is, if one can attempt to summarize, all of the elements which give the region its sense of place, and all of the surviving elements which, when woven together, tell the story of development and industrialization in the Hudson-Mohawk area as a part of or national history. Superimposed on the natural and historical setting are all of the area's resources and activities of today, marking the park as being a "living" community rather than a "museum" environment ala Williamsburg.

The Urban Cultural Park concept, for all of its intricate content, is in fact—very simply—a management tool by which a community or communities recognize the existence of their various natural, historic, cultural and economic resources, realize the inter-relationship of these elements as part of a broad environmental fabric and set about to maximize the potential benefits for all of these resources through proper planning, interpretation, use and management.

This planning and maximization of local resources at the local or regional level is particularly important in today's world of diminishing federal and state fiscal resources, the resources which created our more traditional parks. Current economic and policy realities make it necessary for states and municipalities to use innovative means to achieve objectives which may no longer be achievable otherwise. The Urban Cultural Park concept holds the potential of being just the sort of innovative approach that is needed for marshalling all levels of government and, particularly, the private sector in meeting recreational, cultural, community development and urban revitalization objectives in the future.

Summary Remarks

by
David S. Sampson
Chairman, Historic Preservation Committee
New York State Bar Association

I'd like to thank the originators of this conference for bringing it off. This discussion has been needed for some time. There is a lot of interest—much of it latent and not really crystallized—in bringing the urban and rural aspects of the Greenline and Urbanline ideas together. There is a need to identify the fact that these ideas spring from one cohesive concept and there is a need to focus on the potential of that concept.

To a large extent, these two approaches to resource management have evolved separately. Their common conceptual grounding has not been well understood. I think that this is reflected too in the unfortunate schism that exists between historic preservationists and environmentalists who are more concerned with natural resource preservation. This discussion, and the understandings it creates, should help to bridge that gap. A broadening of perspective on the part of both camps, emphasizing commonality of interest, would benefit everyone.

We have heard today that although Greenline Parks and Urbanline Parks offer a "sense of place" and are "literate areas of a living landscape," they mean different things to different people. They can embrace scenic protection, historic preservation, cultural, commercial and developmental interests. Despite this and the fact that there are some gaps in our conceptual understanding, it appears to me that the Greenline Park/Urban Cultural Park idea is already established in New York. For example, we already have Urban Cultural Park legislation. Further, Section 96(a) of the General Municipal Law provides for creation of historic districts which, in effect, are mini-Urbanline Parks. The State Environmental Quality Review Act provides for review of projects from an environmental viewpoint as well as in terms of historic preservation values. And in case law, we have decisions in the instance of Grand Central Station and other cases that all add up to establishment of a more clearcut understanding of the point that there are public rights in private lands.

I also was intrigued by Chuck Little's comment that there are no more than 50 potential Greenline Park areas in the United States. Then Hank Williams listed 10 in New York. So I presume that there now are only 40 left in the country!

In assimilating ideas for this summation, I looked for the common threads running through each of the talks today, both with respect to things that we heard and,

even more especially, things that we did not hear. One of the most telling points, I think, was made by Chuck Little to the effect that without some serious attempts at land planning our landscape will be reduced to being—quite simply—real estate. That the larger public interest will be served by this is doubtful.

Another theme that ran through most of the talks was that any action taken to establish Greenline Parks must be fair to those with direct vested interests in these areas and it must be affordable to the public at large.

The differences and similarities between Greenline Parks and Urban Cultural Parks are both striking and interesting. For example, both deal with the preservation of cohesive land and water areas managed by multiple levels of government and owned by both private and public sector interests. Perhaps one of the most interesting points is that each Greenline Park and Urban Cultural Park that was discussed as a case example had the strong support of an individual politician for its establishment. For example, the Adirondack Park Agency could not have come into existence without Governor Rockefeller—and it is fitting that this meeting is taking place in this Institute and that Rocky is presiding from his portrait on the wall. The Lowell National Historical Park could not have become an Urban Cultural Park without Congressman Paul Tsongas. And the Pine Barrens in New Jersey could not have been a reality without Representative Florio and Governor Byrne's great interest. It is important that the question of what it takes in the way of political support to get one of these areas established be explored further.

Listening to Paul Bray and Terry Moore we realized that the management plan to be developed for each Urban Cultural Park in New York bears a striking similarity to the management plan for the Pine Barrens. We should identify more precisely what these similarities (and differences) are, to provide a better basis for transference of experience. This is not to say that Urban Cultural Parks and Greenline Parks are completely similar, however. For example, most Greenline Parks have experienced a very tough time at their beginning, winning acceptance only gradually from the people who live within them. On the other hand, most Urban Cultural Parks have been established through the impetus provided by residents of those

areas of the cities where they exist. Also, in Urban Cultural Parks there is a strong need to attract development funds, primarily for redevelopment, whereas in Greenline Parks there often is a need to discourage development throughout much of the area so as to maintain the open flow of the countryside.

The speakers touched upon, but did not go into great detail about, the techniques that can be used within Greenline or Urban Cultural Parks to protect their resources or to enhance their quality. This included devices such as easements, transfer of development rights, sale-and-lease backs and so forth. I suggest that the managers of existing parks should look to the work of private groups like the Massachusetts Farmland Trust and also to the government of Canada to get insight into the widest possible range of techniques being used to preserve such areas.

I also want to emphasize one area on which the founders of these parks must concentrate more, especially for Greenline Parks. This is the preservation of the farmland. In New York, in particular, this may be the key to the success of several potential Greenline Park areas.

One missing component of our discussion today is that there seemed to be no mention of the creation and maintenance of jobs, either through federal or State initiatives or through private enterprise. Only the Thousand Island Area proposal seemed to touch on this. Better planning and promotion in park areas could result in more jobs in farming and agri-business or in research or "soft" industries, such as recreation and tourism. Above all they must be in fields that fit each area both economically and environmentally.

The future of Greenline Parks at the national level is hazy. There are no plans to create any new Greenline Parks at this time and under the present administration there seems to be no chance for that on the immediate horizon. In New York State, the future of Greenline Parks can be viewed more optimistically. Currently the idea is being pursued actively for the Hudson River Valley, the Thousand Islands Area and the Upper Delaware River. Through the Office of Parks, Recreation and Historic Preservation, the State also is very actively pursuing the creation and development of more Urban Cultural Parks. Nevertheless, one of the main questions framed by this conference—one which, I believe, has not been answered—is: Can we do more in New York with existing legislation or is there a need to have additional legislation enacted to further the cause of the Greenline Parks and/or Urban Cultural Parks?¹

I also want to identify the Economic Recovery Tax Act of 1981 as being more or less the Magna Carta for historic preservation and to put it on the credit side of the ledger. As a logical outgrowth of this, we ought to think about the idea of a tax act that would facilitate preservation of rural lands, an approach that would make it economically attractive to preserve what Chuck Little called the "lands between." (Wendy Parks, in Canada, called these "areas where the life of the country goes on.")

The Greenline Park concept is an organic concept that seems to be moving in many directions. In New York State, as Commissioner Lehman said in his remarks, conditions appear to be right and the timing excellent for the development and implementation of the concept.

¹One response to this question lies in the fact that draft generic legislation for a statewide Greenline Parks program has been included in this conference report, to provide a basis for public discussion.

Appendix

Greenline Parks Study Bill

The following draft legislation is a proposed study bill that would provide the framework for a statewide system of natural scenic and recreational landscapes in New York State. It could have application in areas including but not limited to: the Hudson River Valley, St. Lawrence River Valley, lower Susquehanna River Valley, Mohawk River Valley, Catskill Region, areas within the Adirondack Park (such as the Lake George Park), Long Island Pine Barrens, Lake Champlain Valley and the Finger Lakes Region.

Comments and recommendations regarding this study bill or related legislation should be sent to Assemblyman Maurice D. Hinchey, Chairman, Assembly Environmental Conservation Committee, LOB, Room 625, Albany, New York 12248.

AN ACT to amend the environmental conservation law, in relation to providing for the protection and beneficial use of significant ecological, scenic, cultural and recreational landscapes as part of a statewide system of natural scenic and recreational landscapes.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The environmental conservation law is amended by adding a new article forty-six to read as follows:

ARTICLE 46

STATEWIDE SYSTEM OF NATURAL SCENIC AND RECREATIONAL LANDSCAPES

Section 46-0101. Declaration of findings and purpose.

46-0103. Definitions.

46-0105. Advisory council.

46-0107. Establishment of statewide system of natural scenic and recreational landscapes.

46-0109. Management programs.

46-0111. State agencies; coordination.

46-0113. Grants.

46-0115. Rules and regulations.

§46-0101. Declaration of findings and purpose.

The legislature finds that coherent landscapes and geographical areas with outstanding ecological, scenic, cultural and recreational resources exist within the state. They represent unique environmental and economic assets, are integral to the attraction, development and expansion of tourist travel and vacation activities and can offer recreational and educational opportunities to residents and visitors alike if properly protected and

managed. Such protection and management depends upon the establishment of a uniform and equitable system for protecting and enhancing the ecological, scenic, cultural, recreational, educational and economic values of these areas, through a partnership between state and local governments, together with a partnership between the governmental sector and the private sector in ways that are affordable, fair and enduring.

Therefore, it is the purpose of this article to establish the framework for a new state-local partnership, with each governmental entity and the private sector contributing to the partnership in accordance with its inherent capabilities, for the identification, protection, use, financing and management of such landscapes and areas and to provide a means by which these areas can be managed as living landscapes wherein private ownerships, existing communities, and traditional land uses can be maintained, even as their outstanding public values are protected.

§46-0103. Definitions.

Whenever used in this article, unless a different meaning clearly appears from the context:

1. "Commissioner" shall mean the Commissioner of Environmental Conservation.
2. "Department" shall mean the Department of Environmental Conservation.
3. "Management program" or "program" shall mean a document prepared in conformance with the provisions of section 46-0109 of this article which includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, setting forth objectives, policies, and standards to guide public and private uses for a state landscape.
4. "Advisory council" or "council" shall mean the advisory council established pursuant to section 46-0105 of this article.
5. "State agency" shall mean any state department, agency, board or commission of the state, or a public benefit corporation or public authority at least one of whose members is appointed by the governor.
6. "State natural scenic and recreational landscape" or "state landscape" or "landscape" shall mean a coherent landscape or geographical area of outstanding ecological, scenic, cultural, educational or recreational significance designated for inclusion in the statewide system of natural, scenic and recreational landscapes in accordance with section 46-0107 of this article.

7. "Statewide system" shall mean the statewide system of natural scenic and recreational landscapes established pursuant to section 46-0107 of this article.

§46-0105. Advisory council.

1. There is hereby established in the department an advisory council which shall consist of thirteen members or their designated representatives. The commissioner shall be a member of the advisory council, shall coordinate the functions and activities of the department with those of the council and shall serve as its chairman. In addition, the council shall consist of the following twelve members; the commissioners of commerce, transportation, parks, recreation and historic preservation, education, agriculture and markets, the secretary of state and six members appointed by the governor, two of whom shall be from the executive department, state agencies or public corporations, two of whom shall be local government officials from areas that are prospective state landscapes, and two of whom shall be by training, experience or attainment qualified to analyze or interpret matters relevant to the management of landscapes. No member shall receive any compensation, but members who are not state officials shall be entitled to actual and necessary expenses incurred in the performance of their duties.

2. In addition to any other powers, functions and duties conferred upon it by this article or other provisions of law, the council shall:

- (a) Meet at least twice a year to review activities relating to the provisions of this article;
- (b) Solicit recommendations on areas for prospective inclusion in the system and identify prospective state landscapes for purposes of preparation of a management program pursuant to section 46-0109 of this article;
- (c) Review and approve management programs as provided pursuant to section 46-0109 of this article;
- (d) Advise state agencies with respect to state actions which affect landscapes;
- (e) Submit reports to the governor and legislature, not less than once a year, concerning the implementation of the purposes of this article;
- (f) Exercise and perform advisory functions relating to the planning and management of the statewide system as may be requested by the commissioner.

3. Ten members of the council or their designated representatives shall constitute a quorum when the council exercises its responsibilities pursuant to paragraphs (b) and (c) of subdivision two of this section. Eight members of the council shall constitute a quorum for the transaction of any other business.

§46-0107. Establishment of statewide system of natural scenic and recreational landscapes.

1. There is hereby established the statewide system of natural scenic and recreational landscapes which shall consist of coherent landscapes or geographical areas of outstanding ecological, scenic, cultural, educational or recreational significance which are designated "state landscapes" in accordance with the provisions of this article. The commissioner may establish classifications of landscapes within the system based on qualitative character and/or management needs.
2. To be an area included within the system, the commissioner, after consultation with the council, shall find that:
 - (a) The area is a coherent landscape or geographical area of sufficient size and importance to be judged of outstanding statewide significance in terms of its ecological, scenic, cultural, educational or recreational values;
 - (b) The area could best be protected, for reasons of cost, land ownership and use, or other factors, by means of a variety of land management techniques;
 - (c) The area contains a mix of private and public or quasi-public land ownerships, wherein the public or quasi-public ownership, in the form of existing parks, historic sites, natural areas and the like, contributes to its overall landscape quality.
 - (d) There is sufficient interest on the part of local governments and citizens in the area to warrant its inclusion in the system.
 - (e) A state or local entity or combination thereof has the necessary and appropriate authority to implement the management program for the landscape, and
 - (f) A management program for the landscape has been completed and approved by the council as provided pursuant to subdivision three of section 46-0109 of this article.
3. Upon the commissioner making a written finding that an area meets the conditions established in subdivision two of this section, such area shall be included as a state landscape within the statewide system. Inclusion within the statewide system shall establish eligibility for the receipt of acquisition, development and programming assistance from the state consistent with the management program for the particular area. The commissioner may, after holding a public hearing within the boundaries of a state landscape subject to review, remove an area from inclusion in the statewide system when he finds that a local government or governments or other entity with responsibilities over all or a significant portion of the state landscape has taken actions which have a significant adverse impact upon the resources of the state landscape and has generally failed to implement responsibilities under the area's management program. The commissioner shall report such removal to the governor and the legislature stating the reasons for such action.

§46-0109. Management programs.

1. The commissioner shall adopt guidelines by regulation for the preparation of management programs for prospective state landscapes. The guidelines shall cover, but not be limited to, the following elements of a management program:

- (a) A statement of the public values of the area to be protected and enhanced by its designation as a state landscape, together with the general goals and policies which will best protect and enhance such values;
- (b) A map of the area, delineating the boundaries of the prospective state landscape;
- (c) A local participation plan, which describes how local officials and citizens will participate in the planning and implementation of the management program;
- (d) A comprehensive land use and conservation plan for the prospective state landscape which (i) considers and, as appropriate, details the application of a variety of land management techniques, including, but not limited to, fee acquisition of strategic sites, purchase of land for resale or leaseback with restrictions, public access agreements with private landowners, conservation easements and other interests in land, transfer of development rights, various forms of regulation, development standards and permit systems, and any other method of land management which will help meet the goals and carry out the policies of the management program; and (ii) recognizes existing economic activities within the prospective state landscape, and provides for the protection and enhancement of such activities as farming, forestry, proprietary recreational facilities, and those indigenous industries and commercial and residential developments which are consistent with the public values of the area;
- (e) A program coordination and consistency plan, which details the ways in which local, state and federal programs and policies may best be coordinated to promote the goals and policies of the management program, and which details how land and structures managed by governmental or nongovernmental entities in the public interest within the prospective state landscape may be integrated into the program;
- (f) A public use plan, including, where appropriate, necessary facilities and activities;
- (g) A description of the interpretive, educational and recreational programs to be undertaken;
- (h) A description of the program for encouraging and accommodating visitation;
- (i) A financial plan which (i) details the costs and benefits of implementing the management program including the components described in paragraphs (c), (d), (e), (f), (g), (h), and (j) of this subdivision, general administrative costs and any

anticipated extraordinary or continuing costs; and (ii) details the sources of revenue for covering such costs, including, but not limited to, grants, donations, and loans from local, state and federal departments and agencies, and from the private sector;

- (j) A description of the organizational structure to be utilized for planning, development and management responsibilities for the prospective state landscape, including the responsibilities and interrelationships of local, regional and state agencies in the management process and a program to provide maximum feasible private participation in the implementation of the management program; and
 - (k) A schedule for planning, development and management of the prospective state landscape.
2. Within thirty-six months of the identification by the landscape council of an area as a prospective state landscape, the commissioner shall prepare or cause to be prepared a management program based on the guidelines established pursuant to subdivision one of this section. If the management program is prepared by a local or regional governmental entity, the commissioner shall fully cooperate and be consulted in the preparation of such program and shall assure that relevant private interests are consulted. A local advisory committee representative of civic, commercial, conservation, recreation, education and other relevant interests to advise the commissioner or other entity during preparation of such program shall be constituted as part of the preparation of the management program. At least one public hearing on a draft management program shall be held in the prospective state landscape.
3. Upon completion of a management program, it shall be submitted for review and approval by the council. Such approval shall be based upon such program's satisfaction of the guidelines established pursuant to subdivision one of this section and the purposes of this article including the attainment of resource protection and the provision of conservational, recreational, educational, cultural and economic benefits for the public at large. The council shall vote to approve or deny approval of a management program within ninety days after its receipt. If there has been a denial of approval, a revised management program may be resubmitted by the commissioner.

§46-0111. State agencies; coordination.

- 1. The commissioner, in carrying out his functions and responsibilities under this article, shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested state agencies.
- 2. Where there is an approved management program in effect, any state agency conducting, funding or approving activities directly affecting a state landscape

shall consult with, cooperate with, and coordinate its activities with the department and the appropriate local government. Any such state agency shall conduct or support such activities in a manner which is, to the maximum extent practicable, consistent with the approved management program and should conduct appropriate reviews to determine consistency of state proposed actions with individual management programs. The state landscape management programs shall be incorporated in the process for the review of actions conducted pursuant to the state environmental quality review act as provided in article eight of this chapter and the New York state historic preservation act of 1980. The department shall review and comment in writing upon the statement and effects on a state landscape made pursuant to section 8-0109 of this chapter or section 14.09 of the parks, recreation and historic preservation law.

§46-0113. Grants.

Within the amounts appropriated and available therefor, the commissioner may award a grant or grants to local governments or other appropriate entities for planning, design, acquisition, development and programming in state landscape.

§ 46-0115. Rules and regulations.

The department shall have the power to promulgate rules and regulations necessary and appropriate to carry out the purposes of this article.

2. *This act shall take effect immediately.*

