

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

ADIRONDACK PARK AGENCY

AND THE

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

CONCERNING STATE-OWNED CONSERVATION EASEMENTS

ON PRIVATE LANDS WITHIN

THE ADIRONDACK PARK

August 13, 2010

Commissioner
New York State Department of
Environmental Conservation

Chairman
New York State Adirondack
Park Agency

WHEREAS, the Legislature of the State of New York in 1885 established the Adirondack Forest Preserve (“Forest Preserve”), and in 1892 created the Adirondack Park (“Park”) to consist of both Forest Preserve and private lands within the Park's boundary, and in 1895, the People of the State of New York, through constitutional amendment, further protected the Forest Preserve as lands to remain "Forever Wild"¹; and

WHEREAS, the New York State Department of Environmental Conservation (“Department”) has the statutory responsibility under the Environmental Conservation Law (“ECL”), to provide for the care, custody, and control of the State-owned Forest Preserve lands, and for the protection of other natural resources of the State; and

WHEREAS, the Department has the authority under the ECL to enter into conservation easements on private lands which are neither Forest Preserve land subject to Article XIV, nor State land, but rather an interest in privately held land²; and

WHEREAS, a conservation easement is a legally binding document which limits or restricts development, management or use of such private property for the purpose of preserving or maintaining the scenic, open, historic, archaeological, architectural, or natural condition, character, significance or amenities of the real property in a manner consistent with the public policy set forth in ECL § 49-0301 and the terms of the conservation easement; and

WHEREAS, the State has acquired over the years a variety of conservation easements on private lands in the Park (referred to hereafter as “conservation easements”) that serve important public purposes; and

WHEREAS, the New York State Adirondack Park Agency (“Agency”), has the statutory responsibility under the Adirondack Park Agency Act (“Act”)³ for the long-range planning for the Park, including the preparation, continual revision and evaluation, administration and interpretation of the Adirondack Park Private Land Use and Development Plan and Map (“Plan”)⁴ and the interpretation, preparation and periodic revision of the Adirondack Park State Land Master Plan (“SLMP”)⁵, and for the administration within the Park of the Wild, Scenic and Recreational Rivers System Act on private lands and the Freshwater Wetlands Act on private and State lands; and

WHEREAS, the SLMP specifically recognizes the importance of conservation easements and the public purposes which they serve, but does not establish guidelines for such conservation easements, and the provisions of the SLMP, including those related to snowmobile use, governing Forest Preserve lands do not apply to conservation easements; and

WHEREAS, Section 814 of the Act requires any State agency which intends to undertake any new land use and development in the Park, other than land use or development by the Department pursuant to the SLMP, to give due regard to the provisions of the Plan and the shoreline restrictions and shall file a notice of such intent thereof with the Agency; and

¹ New York State Constitution Art. XIV.

² ECL Article 49, Title 3

³ Executive Law Article 27

⁴ Sec. 805 of the Act

⁵ Sec. 816 of the Act

WHEREAS, Executive Order No. 150: (a) recognizes that the Act only provides for Agency advisory review of new land use and development by State agencies on private land in the Park; (b) requires such new land use or development to undergo the same level of Agency review as is demanded of private developers, but in accordance with the procedures provided by Section 814 of the Act; and (c) provides that if the Agency determines that such new land use or development should not go forward, the State agency, e.g. the Department, may notify the Governor, within 30 days of such determination, of any compelling State purpose requiring that the project be undertaken; and

WHEREAS, the Department and the Agency each recognize that as units of the same New York State Executive Department it is imperative that the specific authorities and program responsibilities of each are administered as cooperative elements of a coordinated State government program for the Park; and

WHEREAS, the Department and the Agency each agree that their specific program responsibilities and activities are enhanced by the involvement and participation of the other, including coordinated policy development and implementation, as well as sharing of relevant general and technical information and other resources; and

WHEREAS, the Department and the Agency agree that it is in the interest of the State of New York to fully coordinate and integrate their respective program responsibilities as they pertain to conservation easements for the good of the People of the State, State government, the Adirondack local governments, residents of the Park and Park visitors; and

WHEREAS, the Department and the Agency agree that this Memorandum is not intended to diminish any authority or responsibility of either the Department or the Agency nor transfer to the other any authority or responsibility to act on matters with which it is charged; and

WHEREAS, the Department and the Agency agree that this Memorandum does not pertain to any rights or responsibilities retained by private landowners pursuant to any such conservation easements;

NOW, THEREFORE, the Department and the Agency do hereby agree to exercise their respective authority and responsibility through the cooperative arrangements created by this Memorandum of Understanding (“Memorandum”) with regard to new land use or development by the Department on conservation easements.

I. GENERAL COORDINATION AND COMMUNICATION

- (a) The Department and the Agency will each conduct their various program responsibilities with respect to conservation easements so as to promote the recognition, support and acceptance by the general public of the laws, rules, regulations, administrative policies and procedures of the other.
- (b) The Department and the Agency will communicate and coordinate as follows:
 - (1) The agencies agree that with respect to conservation easements any policy or guidance developed by the Department which impacts the Agency and any policy or guidance developed by the Agency which impacts the Department shall be effective only if developed cooperatively and agreed to by both agencies. Conforming amendments will be made to this Memorandum if required by such new policy or guidance.
 - (2) Except with respect to the specific procedures set forth in section V, Procedures for Agency Review, all actions requiring formal, written interagency consultation pursuant to paragraph I(b)(4) shall be coordinated through the primary contact persons designated in paragraph I(b)(3). The Department and the Agency shall maintain and share current organization charts depicting their respective subdivisions of program responsibilities.
 - (3) The Department and the Agency will each appoint a primary contact person for implementation of this Memorandum. Unless otherwise provided in writing by the appropriate Executive, the primary contact person for the Department shall be the Director, Division of Lands & Forests and the primary contact person for the Agency shall be the Deputy Director, Regulatory Programs, Adirondack Park Agency.
 - (4) Where there has been interagency consultation at the Regional and Central Office Department and Agency staff level, and staff disagree, the matter shall be brought to the attention of the primary contacts to try and reach resolution. If resolution is not achieved, the matter shall be formally referred in writing for resolution as follows:
 - (i) A written request shall be transmitted by the primary contact person for the Department to the Assistant Commissioner for Natural Resources of the Department.
 - (ii) A written request shall be transmitted by the primary contact person for the Agency to the Executive Director of the Agency.
 - (iii) Issues which cannot be resolved by the Assistant Commissioner and such Executive Director will be referred by them for final resolution to the Chairman of the Agency and the Commissioner of Environmental Conservation according to the applicable regulations and procedures of each.

- (c) The Department and Agency agree to share, to the fullest extent possible, all information and data pertaining to the natural, physical, social, and economic resources of the Park collected by each.
- (d) The Department will make available to the Agency copies of all recorded conservation easements.
- (e) The Department and the Agency will provide to each other, in a timely manner, a description of any proposed action or policy determination regarding conservation easements that may affect relevant program responsibilities of the other.
- (f) The Department and the Agency each will not represent any technical or legal positions on behalf of the other except by express mutual agreement.
- (g) In recognition of the respective roles and program responsibilities of the Department and the Agency, the Department shall not be required to provide any information pertaining to specific acquisitions of conservation easements by the Department before such conservation easements are acquired and recorded, other than information that may be relevant to the issuance of a subdivision permit by the Agency.

II. NEW LAND USE AND DEVELOPMENT

- (a) Recreation Management Plans -The Department and the Agency agree that the Department has the authority and responsibility to develop and implement recreation management plans (“RMP”) for the public on conservation easements consistent with the terms and provisions of the conservation easement, and, where applicable, the Department will be responsible for involving the public in that process and completing any State Environmental Quality Review Act (“SEQRA”) requirements. The Department and the Agency agree that development of a RMP does not in itself constitute new land use or development. Instead, implementation of a RMP by the Department on conservation easements may constitute new land use and development depending upon the type, degree, and intensity of the recreation use. The Agency and Department through this Memorandum, have considered the significance of many DEC proposed recreation use and development activities for conservation easements in general, and have determined that many types of recreation use do not warrant Agency review under Section 814 of the Act. Further the Department and the Agency have determined which types of proposed recreation use and development activities are likely to be subject to Agency review and the procedures of this MOU are intended to identify those projects and activities.
- (b) Minor activities – No Agency Consultation or Review. The Department and the Agency agree that the following activities when undertaken by the Department, do not rise to the level of new land use or development⁶ on conservation easements and are not subject to review by the Agency under Section 814 of the Act or any other provision of the Act, except, and to the extent, that Agency review is required under the Freshwater Wetlands Act, as discussed in Paragraph III below, or the Wild, Scenic and Recreational Rivers Act, as discussed in Paragraph IV below.

⁶ Sec. 802.42 of the Act

- (1) Any project or action which is immediately necessary for the protection of life or property due to a sudden, actual and ongoing emergency.
- (2) Minor landscaping, including minor filling and grading.
- (3) Removal of blow down, grubbing and planting native vegetation.
- (4) Cutting of live trees, removal of dead trees and brush, pruning of live trees and shrubs, road and trail brushing.
- (5) Designation of non-groomed snowmobile trails for use on the property for trapping, hunting, ice fishing or other winter means of recreation when authorized in a RMP
- (6) Placement or construction of new kiosks, signs, trail registration structures and markers on any existing or new road, trails, parking area, boat launch, property boundaries, structures and trailheads.
- (7) Public recreation use, including but not limited to, hiking, biking, cross-country skiing, snowshoeing, horseback riding, hunting, fishing, trapping, swimming, rock climbing, wildlife viewing, nature study, camping and boating.
- (8) A change from private recreation use to public recreation use, including the use of existing structures and facilities, provided that such change does not significantly alter the type, degree and intensity of use.
- (9) The maintenance, rehabilitation, replacement, and minor relocation, improvement, repair, alteration, or removal of existing structures, buildings, roads, bridges, parking areas, recreational vehicle camping sites, trails, trailheads, lean-to's, campsites, picnic tables, fire rings, pit privies, trail signs or markers, kiosks, trail registration structures, drainage facilities (e.g. culverts, ditches,), water control structures, retaining walls or other structures intended to be used for public recreation use or to provide access for public recreational use.

“Maintenance, rehabilitation, replacement and minor relocation, improvement, repair, alteration” is defined as those activities that do not materially change the use or appearance of the working forest landscape or unduly alter or impact the natural resources of the property so that the resulting action would be inconsistent with the purposes of the conservation easement. These activities are to be carried out by the Department in a manner that is consistent with the management and use of working forest property, and New York State Best Management Practices (“NYSBMP”) for Water Quality is required to be followed for all projects.

- (c) Minor Activities Requiring Inter-agency Consultation Only The Department and the Agency agree that, although the following types of recreation activity or development may be new to the property, these types of recreation activity and development will not be reviewed by the Agency under Section 814 of the Act, or any other provision of the Act, because the new development and/or the type of new recreation use is limited in scope and intensity and not expected to be significant when implemented on the protected property at the degree and levels of recreational use described below or is otherwise described in a RMP that has undergone SEQRA review with a negative declaration issued by the Department and is unregulated on private land in the Park.

The following activities are presumed not to have an undue adverse impact upon the resources of the Park, provided the activities are within the thresholds described below and/or conform to a Department approved RMP. Inter-agency consultation will ensure identification of potential Agency jurisdiction under the Freshwater Wetlands Act, as discussed in Paragraph III below, or the Wild, Scenic and Recreational Rivers Act, as discussed in Paragraph IV below. -

The Department will advise and consult with the Agency if projects will be undertaken pursuant to this subparagraph during the facility planning & development process when increases in public recreational uses are expected to occur:

- (1) New structures and facilities, including placement or construction of new lean-tos, campsites, picnic tables, fire rings, and pit privies, to enhance and improve opportunities for public recreation use,
- (2) New public use of cars and trucks, snowmobiles, aircraft and motor boats provided such use does not meet or exceed the threshold set forth in subsection (d) below.
- (3) Limited public use of ATV's on existing roads and trails for the purpose of access to recreation programs, including but not limited to hunting, fishing, trapping, swimming, rock climbing, wildlife viewing, nature study and camping.
- (4) Placement or construction, of new parking areas, vehicle camping sites and trailhead sites on existing or future log landings, gravel pits, or elsewhere on the property provided the new non-log landing or non-gravel pit site is no larger than one (1) acre and limited to 25 vehicles or fewer.
- (5) Placement of docks or floats not exceeding eight feet in width.
- (6) Construction of new hiking trails, mountain biking trails, horse trails, canoe portages, shallow water hand carry canoe and small trailer boat launches (for boats 16' or less and motors 20 hp or less), that are in conformance with Department Guidelines and NYSBMP.
- (7) Construction of any new roads or trails not exceeding one mile in length that connect two existing roads or trails and are intended for public motorized use

including cars, trucks, ATVs and/or snowmobiles or provide public access to the property

- (8) Construction of new motor vehicle bridges not exceeding thirty (30) feet in length that are not replacement bridges for existing structures.
- (9) Construction of any new recreational buildings or structures not exceeding 500 square feet in footprint and not exceeding 40 feet in height.
- (10) Construction of new fishing access platforms not exceeding 300 square feet in area.

(d) Activities which require Agency Notice and Review. Unless otherwise excluded by Subparagraphs II.b or II.c, or otherwise addressed in accordance with the provisions of Subparagraph II.e below, the Department and the Agency agree that the following types of recreation or development projects whether or not contained in a completed Recreation Management Plan, constitutes new land use or development and may be reviewed by the Agency under Section 814 of the Act as determined by the Deputy Director, Regulatory programs after appropriate notice to the Agency:

Undertaking activities or constructing the following facilities by the Department:

- (1) new buildings or structures over 500 square feet in footprint or over 40 feet in height;
- (2) new parking lots over one (1) acre and 25 cars in size and not on existing log landings or gravel pits;
- (3) any new roads or trails, other than those included in subsection II(c) (7), that are intended for public motorized use including cars, trucks, ATVs and snowmobiles;
- (4) new motor vehicle bridges over 30 feet in length that are not replacement bridges for existing structures;
- (5) new shoreline access facilities greater than 300 square feet in area;
- (6) new docks greater than eight (8) feet in width or containing roofs or canoe or small boat launches greater than one (1) acre in area including associated parking;
- (7) replacement of dams unless pursuant to engineering plans certified compliant with DEC dam safety guidelines;
- (8) new large trailer motorboat launches with vehicle parking and deep water access, not included in II (c)(6); and
- (9) new campgrounds, day-use picnic areas and playgrounds, day-use swimming beaches, with associated structures and amenities.

- (10) The opening of existing interconnecting forest roads or loop trails for public ATV riding or when making connections to ATV trails off the property, excluding the limited public use of ATV's on existing roads and trails for the purpose of access to hunting, fishing, trapping, swimming, rock climbing, wildlife viewing, nature study and camping and other program opportunities.
 - (11) The opening of existing forest roads or trails to snowmobile riding when the terminus of the forest road or trail goes to the Forest Preserve boundary for the purpose of providing public access to the Forest Preserve. This does not apply to non-groomed snowmobile trail use on the property for trapping, hunting, ice fishing or other winter means of recreation when authorized in a RMP.
 - (12) The opening of lakes or ponds to public use of motorboats and pontoon aircraft when any of the shoreline of such lake or pond is within the Forest Preserve.
 - (13) When the number of designated camp sites will exceed more than five (5) sites within a group camping area of less than two (2) acres.
 - (14) When the estimated intensity of the proposed new recreational use and development for a conservation easement will exceed:
 - (i) ten (10) persons per camp site;
 - (ii) 25 vehicles (with trailers) parking lot; or
 - (15) When a proposed recreation uses and development activity creates opportunities for public access to adjacent Forest Preserve that is inconsistent with the approved Unit Management Plan ("UMP"); or
 - (16) When a proposed recreation uses and development activity creates public access opportunities on an adjacent Forest Preserve property that does not have an approved UMP, not including small detached parcels of Forest Preserve that are in-holdings within conservation easement properties.
- (e) Other Projects Subject to Agency Review. At the time of RMP review by the Agency and approval by the Department, the Department and the Agency may mutually agree that any type, degree or intensity of a proposed public recreation land use or development, regardless of the above sections, because of an unusual or unique aspect or situation, has a reasonable potential to materially change the working forest appearance of the land, or to unduly impact natural resources on the land, or to unduly increase the intensity of recreation use of land inconsistent with the purposes of the conservation easement, or to have an undue adverse impact to adjacent Forest Preserve lands. The proposed new use and development may then be reviewed by the Agency pursuant to the provisions and procedures of Section 814 of the Act to determine whether the intended use gives due regard to the provisions of the Plan⁷,

⁷ Sec. 805 of the Act

the shoreline restrictions⁸, if applicable, or may have an undue adverse impact upon the resources of the Park⁹.

- (f) Conservation Easement Monitoring – Department Review. It is the responsibility of the Department to review public recreation on conservation easements, regardless of whether the use was existing or new, to determine if the public recreation use and development is having an adverse negative impact upon natural resources that would be inconsistent with a working forest landscape and the conservation easement. The Department will evaluate the influence public recreation use and development on the conservation easement are having on use of the Forest Preserve and, if it is resulting in inappropriate or non-conforming use, corrective actions will be taken. The Department will periodically review public recreation activities for conservation easements and adjust, modify, or prohibit any public recreation use of the conservation easement that is found to have an unacceptable adverse negative impact on natural resources of the conservation easement property or to adjacent Forest Preserve land. If unacceptable adverse impacts to natural resources caused by public recreation are found on the conservation easement property, the Department will inform the Agency of its findings and the planned corrective action as a matter of information exchange.

III. FRESHWATER WETLANDS ACT

To the extent any Department proposed project on a conservation easement, including those new or replacement projects listed under Paragraph II above, will occur within or may potentially impact freshwater wetlands¹⁰, the Department agrees that the Agency is authorized, pursuant to ECL Article 24 Title 8 to review the regulated activities of the proposed project with regard to such potential impact. The provisions of Agency general permits related to jurisdictional freshwater wetlands on private lands shall be applicable to any Department proposed new land use or development on a conservation easement occurring within or potentially impacting freshwater wetlands.

IV. WILD, SCENIC AND RECREATIONAL RIVERS ACT

The Department administers the Wild, Scenic and Recreational Rivers Act¹¹ (“Rivers Act”) for State lands and the Agency administers it for private lands within the Park¹². The Department and the Agency agree that the Agency will administer the Rivers Act as applicable to potential impacts from Department proposed new land use or development projects on conservation easements according to the procedures set forth in the Rivers Act and 9 NYCRR Part 577.

⁸ Sec. 806 of the Act

⁹ Sec. 805.4 of the Act

¹⁰ Sec. 802.68 of the Act

¹¹ ECL Article 15, Title 27

¹² ECL § 15-2705

V. PROCEDURES FOR AGENCY REVIEW

- a. Recreation Management Plans. The Department and Agency agree that the development of Recreation Management Plans for easement lands is an issue of mutual concern and integral to public use and enjoyment of the Park's natural resources. Although the Department and the Agency agree that the Department has the sole authority and responsibility to develop RMPs for conservation easements, and development of such RMPs are not subject to Agency review under Section 814 of the Act or any other provision of the Act, the Department and the Agency agree that Agency review and comment at an early stage will provide for a more efficient and effective process for the later review of any applicable new land use or development that may be subject to Agency review under Section 814 of the Act or other provisions of the Act. Therefore, the Department and the Agency agree to the following procedure for Agency involvement in the development of an RMP. Commitments prior to closing on a conservation easement to provide initial public access to the property or required for landowner sign-off, referred to as an "Interim Recreation Management Plan" in the Conservation Easement, are not a "Recreation Management Plan" covered by this process.
- (1) The Department will begin the process of developing a RMP, conduct a public scoping session, prepare a SEQRA assessment and draft the RMP in consultation with the property owner, in accordance with Department procedures.
 - (2) The Department will provide the Agency with the draft RMP and request comments. Agency review of the draft RMP shall be limited to determining consistency with the provisions of the Plan, the shoreline restrictions, if applicable, the Freshwater Wetlands Act, if applicable, the Wild, Scenic and Recreational Rivers System Act, if applicable, and whether it, or any portion thereof, may have an undue adverse impact upon the resources of the Park however, such review shall not be for the purpose of determining consistency with the SLMP which is not applicable to conservation easements.
 - (3) The draft RMP will be reviewed by the Agency Environmental Program Specialist assigned to the project. The Agency will provide comments to the Department within 30 days of receipt of the draft RMP, unless an extension is requested and mutually agreed upon.
 - (4) The Department will give due consideration to the Agency's comments and either modify the draft RMP accordingly or seek interagency consultation in accordance with the provisions of subparagraph I(b) above.
 - (5) The Department will make appropriate revisions to the draft RMP, provide notice in the Environmental Notice Bulletin ("ENB") for public comment and review, and schedule a public meeting, if appropriate.
 - (6) The Department will review the public comments, complete the responsiveness document and final SEQRA assessment and RMP, and submit

to the landowner for review and approval, if required by the terms of the conservation easement.

(7) The Department will provide ENB notice of the final RMP.

b. New Land Use and Development. Except as otherwise indicated above, the Department and the Agency agree that any new land use or development described in Subparagraph II(d) or II(e) above and not specifically excluded by Subparagraphs II(b), or II(c) above, will be subject to the following procedures pursuant to Section 814 of the Act and Executive Order 150:

- (1) At the earliest time practicable in the planning of a project on a conservation easement, the Department will submit to the Agency a completed “Application for State Agency Projects – General Information Request” (“GIR”). The GIR will serve as the required notice to undertake new land use and development in the Park under Section 814.1 of the Act. The information to be provided in the GIR will include a detailed description of the proposed project and such information as is necessary to assure consistency with (i) the provisions of the Plan, (ii) the shoreline restrictions, if applicable, (iii) the Freshwater Wetlands Act, if applicable, (iv) the Rivers Act, if applicable, and (v) whether the proposed project may have an undue adverse impact upon the resources of the Park.
- (2) The GIR will identify the primary contact at DEC for the proposed activity and upon receipt the Agency will notify that contact of the Agency EPS review officer. All communication regarding the proposed activity will take place between the DEC contact and the APA review officer and their agreement regarding information or actions necessary to a determination will be considered final by both Agencies. In the event of disagreement regarding necessary information or actions, the matter will be promptly brought to the attention of the responsible individuals identified in paragraph I.b.3 for resolution according to the procedures set out herein.
- (3) The Department will not undertake the proposed project for a period of 30 days, or such other period as mutually agreed upon pursuant to subparagraph V(a)(3) above. During such period, the Agency may review the proposed project to determine its consistency with the provisions and restrictions referred to in subparagraph V(b)(1).
- (4) If at the conclusion of such 30-day period, or such other period as mutually agreed upon pursuant to subparagraph V(a)(3), the Agency makes no determination regarding the proposed project, the Department may undertake the proposed project.
- (5) If, on or before the conclusion of such 30-day period, or such other period as mutually agreed upon pursuant to subparagraph V(a)(3), the Agency determines the project will not be inconsistent with the provisions and restrictions referred to in such subparagraph V (b) (1) and will not have an

undue adverse impact upon such resources, it shall report its findings to the Department, and the Department may undertake the project.

- (6) If, on or before the conclusion of such 30 day period, or such other period as mutually agreed upon pursuant to subparagraph V(a)(3) above, the Agency determines the project may be inconsistent with such the provisions or and restrictions, referred to in such subparagraph V (b) (1) or may have an undue adverse impact upon such resources, it will so inform the Department and provide the Department with an opportunity to consider modifying the proposed project consistent with Agency recommendations.
- (7) Within 30 days after receipt of the Agency's recommendations, the Department will advise the Agency whether it will modify the proposed project consistent with Agency recommendations, or seek interagency consultation in accordance with the provisions of subparagraph I(b) above.
- (8) If, subsequent to such interagency consultation, the Agency does not agree that the proposed project will be consistent with the provisions and restrictions, referred to in such subparagraph V (b) (1) and will have an undue adverse impact upon-such resources, the Department may notify the Governor of any compelling State purpose requiring that the proposed project be undertaken.

VI. AMENDMENTS AND APPENDICES

- a. It may be necessary from time to time to review this Memorandum with regard to its effectiveness and to consider amendments and/or appendices hereto. It shall be the responsibility of the respective staff members previously named to bring recommendations for amendments and/or appendices to the Department and the Agency upon a consensus of such staff members that such action is appropriate. Any agreed upon amendments or appendices shall become part of this Memorandum upon approval of the Department and the Agency.
- b. This Memorandum will be revised as necessary after amendments to relevant statutes or regulations, or when other legal requirements take effect, and may only be altered or terminated by mutual agreement upon 60 days' written notice by either the Department or the Agency to the other.

VII. TERM

The term of this Memorandum shall be ten (10) years, provided that at the end of five (5) years the Department and Agency shall undertake a comprehensive review of its terms.

VIII. EFFECTIVE DATE

This Memorandum shall be in full force and effect upon its execution by both the Commissioner of Environmental Conservation and the Chairman of the Adirondack Park Agency.

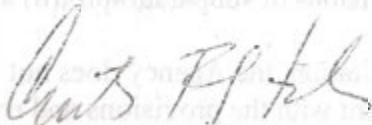


COMMISSIONER

**New York State Department of
Environmental Conservation**

9/10/10

DATE



CHAIRMAN

**New York State
Adirondack Park Agency**

8/20/10

DATE