

Environmental Conservation

ARTICLE 15 WATER RESOURCES

TITLE 27 WILD, SCENIC AND RECREATIONAL RIVERS SYSTEM

- Section 15-2701. Statement of policy and legislative findings.
15-2703. Definitions.
15-2705. Jurisdiction of the commissioner and the Adirondack park agency.
15-2707. Classes of river areas includable in system, criteria; management objectives.
15-2709. Administration of the system.
15-2711. Establishing boundaries.
15-2713. Initial designations.
15-2714. Additional designations.
15-2715. Designation of additions to the system.
15-2717. Cooperation with the federal government.
15-2719. Cooperation clause.
15-2721. Conflict with other laws.
15-2723. Penalties and enforcement.

§ 15-2701. Statement of policy and legislative findings.

1. The legislature hereby finds that many rivers of the state, with their immediate environs, possess outstanding natural, scenic, historic, ecological and recreational values.

2. Improvident development and use of these rivers and their immediate environs will deprive present and future generations of the benefit and enjoyment of these unique and valuable resources.

3. It is hereby declared to be the policy of this state that certain selected rivers of the state which, with their immediate environs, possess the aforementioned characteristics, shall be preserved in free-flowing condition and that they and their immediate environs shall be protected for the benefit and enjoyment of present and future generations.

4. The purpose of this act is to implement this policy by instituting a state wild, scenic and recreational rivers system, by designating the initial components of that system and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

§ 15-2703. Definitions.

Except as otherwise required by the context, the following terms when used in this act shall be construed as follows:

1. "Agency" means the Adirondack park agency as created by chapter seven hundred and six of the laws of nineteen hundred seventy-one, and whose functions, powers and duties are provided for in article twenty-seven of the executive law.

2. "Commissioner" means the commissioner of environmental conservation, his successors in office and any agency which may succeed to the duties of such office.

3. "Development" means any activity which materially affects the existing condition, use or appearance of any land, structure or improvement including the actual or effective division or proposed division of land into lots, parcels or sites whether contiguous or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy as part of a common scheme or plan, (including any grading, road construction, installation of utilities or other improvements or any other development preparatory or incidental to any such division) by any person or by any other person controlled by, under common control with or controlling such person or by any group of persons acting in concert as part of a common scheme or plan but shall not include the division of any land resulting from bona fide devise, inheritance, gift or the lease of land for hunting and fishing.

4. "Forest Management" means forestry practices, including harvesting of a forest woodland or plantation, the construction, alteration or maintenance of wood roads, skidways, landings and fences and related research and educational activities.

5. "Free flowing" means existing or flowing in natural condition without impoundment, diversion, straightening, riprapping, or other modification of the waterway, except for stream improvement structures for fisheries management purposes expressly authorized in section 15-2709 of this chapter.

6. "Improvement" means any change in or addition to land, including but not limited to grading, filling, excavating or adding banks, fences, dikes, ditches, pipelines, poles, electrical conduits, roads, streets, curbs, gutters, sidewalks, driveways, parking lots or spaces.

7. "Motor vehicle" means a device for transporting personnel or material, incorporating a motor or an engine of any type for propulsion and with wheels, tracks, skids, skis, air cushion or other contrivance for traveling on, or adjacent to land and water or through water.

8. "Person" means any individual, corporation, partnership, joint venture, association, organization, government or any agency or political subdivision thereof, or any other entity.

9. "River" means a flowing body of water or a section, portion or tributary thereof, including rivers, streams, creeks, runs, kills, rills, branches, or lakes. "River area" means the term river and the land area in its immediate environs as established by the commissioner or the agency, but not exceeding a width of one-half mile from each bank thereof.

10. "Road" means any highway, hard-surfaced road, improved or dirt road.

11. "Stream improvement structures for fishery management purposes" means structures and improvements, including but not limited to, fish barrier dams, fish passage structures, minor diking, cribbing, bank stabilization and stream deflectors and other structures or improvements designed solely for fishery management purposes which do not materially alter the natural character of the waterway.

12. "Structure" means any object constructed, installed or parked on land to facilitate land use, such as buildings, mobile homes, sheds, signs, tanks, outdoor lighting and any fixtures, additions and alterations thereto and trailers, travel trailers, campers, or tents constructed, installed, or parked on land for other than a temporary period or for a purpose other than transient occupancy and any fixtures, additions or alterations thereto.

13. "System" means the rivers designated as wild, scenic and recreational rivers in this part.

§ 15-2705. Jurisdiction of the commissioner and the Adirondack park agency.

Notwithstanding provisions of any other general or special law, the functions, powers and duties encompassed by this section shall be vested in the Adirondack park agency as to any privately owned part of a river area within the Adirondack park as defined by law which may become part of the system; however, the commissioner shall have exclusive jurisdiction over all other river areas in the state and of all parts of river areas owned by the state located within the Adirondack park which may become part of the system. This section shall not be construed to divest the commissioner from the exercise of functions, powers and duties which have not been delegated by law to the agency. If the commissioner or the agency shall conduct any studies, proceedings or activities under this section or otherwise which affect or may affect river areas, any part of which are within the Adirondack park, they shall consult and cooperate to carry out the purposes of this title.

§ 15-2707. Classes of river areas includable in system, criteria; management objectives.

1. The following types of river areas are eligible for inclusion in the system. All state agencies are hereby directed to pursue policies with respect to their respective activities, functions, powers and duties which are designated to enhance the conditions of designated rivers in accordance with the criteria set forth for such rivers in this section.

2. All rivers in the system shall be relatively free of pollution and the water quality thereof of a standard sufficiently high to meet the primary management purposes enumerated herein.

a. Wild river. Those rivers or sections of rivers that are free of diversions and impoundments, inaccessible to the general public except by water, foot or horse trail, and with river areas primitive and undeveloped in nature and with development, if any, limited to forest management and foot bridges.

(1) The minimum length of any one section shall be five miles.

(2) In general, the minimum distance from the river shore to a public highway or a private road open to the public for motor vehicle use, shall be one-half mile except where a physical barrier exists which effectively screens the sight and sound of motor vehicles.

(3) Management of wild river areas shall be directed at perpetuating them in a wild condition as defined herein.

b. Scenic river. Those rivers, or sections of rivers, that are free of diversions or impoundments except for log dams, with limited road access and with river areas largely primitive and largely undeveloped or which are partially or predominantly used for agriculture, forest management and other dispersed human activities which do not substantially interfere with public use and enjoyment of the rivers and their shores.

(1) There shall be no minimum length of any one section.

(2) Management of scenic river areas shall be directed at preserving and restoring the natural scenic qualities of such rivers.

c. Recreational river. Those rivers, or sections of rivers, that are readily accessible by road or railroad, that may have development in their river area and that may have undergone some impoundment or diversion in the past.

(1) There shall be no minimum length of any one section.

(2) Management shall be directed at preserving and restoring the

natural scenic and recreational qualities of such river areas.

d. Exceptions. Limited existing exceptions to the criteria for all three classes of rivers will not automatically exclude rivers from designation. Rather, the river area shall be examined as a whole with its overall worthiness for inclusion being the deciding factor.

§ 15-2709. Administration of the system.

1. The wild, scenic and recreational rivers system shall be administered in accordance with their respective jurisdictions by the commissioner or the agency according to policies and criteria set forth in this title upon establishment of the boundaries of each river area in accordance with section 15-2711 of this chapter. The commissioner or agency shall make and enforce regulations necessary for the management, protection, and enhancement of and control of land use and development in the wild, scenic and recreational river areas. No regulations shall be promulgated unless a publicized public hearing is held in the environmental conservation region encompassing the affected area by the commissioner or agency. In such administration, primary emphasis shall be given to protecting ecological, recreational, aesthetic, botanical, scenic, geological, fish and wildlife, historical, cultural, archeological and scientific features of the area. In connection with such administration, the commissioner or the agency may provide for the preparation and implementation of management plans for individual river areas or significant portions thereof.

2. After inclusion of any river in the wild, scenic and recreational rivers system, no dam or other structure or improvement impeding the natural flow thereof shall be constructed on such river except as expressly authorized in paragraphs b and c of this subdivision. Notwithstanding anything herein contained to the contrary, existing land uses within the respective classified river areas may continue, but may not be altered or expanded except as permitted by the respective classifications, unless the commissioner or agency orders the discontinuance of such existing land use. In the event any land use is so directed to be discontinued, adequate compensation therefor shall be paid by the state of New York either by agreement with the real property owner, or in accordance with condemnation proceedings thereon. The following land uses shall be allowed or prohibited within the exterior boundaries of designated river areas depending on the classification of such areas:

a. In wild river areas, no new structures or improvements, no development of any kind and no access by motor vehicles shall be permitted other than forest management pursuant to forest management standards duly promulgated by regulations.

b. In scenic river areas, the continuation of present agricultural practices, the propagation of crops, forest management pursuant to forest management standards duly promulgated by regulations, limited dispersed or cluster residential developments and stream improvement structures for fishery management purposes shall be permitted. There shall be no mining, excavation, or construction of roads, except private roads necessary for residential, agricultural or forest management purposes, and with the further exception that public access through new road construction may be allowed, provided that there is no other such access within two land miles in either direction.

c. In recreational river areas, the lands may be developed for the full range of agricultural uses, forest management pursuant to forest

management standards duly promulgated by regulations, stream improvement structures for fishery management purposes, and may include small communities as well as dispersed or cluster residential developments and public recreational areas. In addition, these river areas may be readily accessible by roads or railroads on one or both banks of the river, and may also have several bridge crossing and numerous river access points.

3. In addition to the provisions of article 70 of this chapter and rules and regulations adopted thereunder, the rules and regulations adopted by the department pursuant to this title to implement its processing of permit applications, modifications, suspensions and revocations shall govern permit administration by the department under this title.

§ 15-2711. Establishing boundaries.

The commissioner shall, within one year after a river has been included in the state wild, scenic and recreational rivers system, establish detailed boundaries of the river area associated with that river, except that in the case of river areas within the Adirondack park said boundaries shall be mutually agreed upon by the commissioner and the agency. Said boundaries shall not exceed a width of one-half mile from each bank thereof.

§ 15-2713. Initial designations.

The following rivers which are located within the boundaries of the Adirondack park, as now defined by law, are to be initially included in this system being classified by the above-stated criteria:

1. Wild rivers

a. Cedar river--Approximately seven miles from the southwest boundary of lot 82, township 17, Totten and Crossfield's Purchase to the Hamilton county line.

b. Cold river--Approximately fourteen miles from the Duck Hole to the confluence with the Raquette river and the entire three-mile length of Ouluska Pass brook.

c. Hudson river--Approximately ten and one-half miles from the confluence of the Cedar river to the confluence with Boreas river.

d. Indian river--Approximately thirteen miles from Brook Trout lake to the confluence with the south branch of the Moose river.

e. Opalescent river--Approximately eleven miles from Flowed Lands to the confluence with the Hudson river.

f. East branch of the Sacandaga river--Approximately eleven and one-half miles from Botheration pond to a point one-half mile above the confluence with Cook brook.

g. West branch of the Sacandaga river--Approximately seven miles from the confluence of the Piseco lake outlet to the confluence with Dugway creek.

h. West Canada creek--Approximately eight miles from Mud lake to the Old Mitchell dam site.

2. Scenic rivers

a. Ampersand brook--Approximately eight miles from Ampersand pond to the confluence with the Raquette river.

b. Ausable river--Approximately nine miles from Marcy swamp to St. Hubert's.

c. Boreas river--Approximately eleven and one-half miles from Cheney pond to the confluence with the Hudson river.

d. Bouquet river--Approximately six miles of the North Fork from the headwaters on Dial mountain to the bridge on route 73. Approximately five and one-half miles of the South Fork from the headwaters to the bridge on route 73.

e. Cedar river--Approximately five miles from the Hamilton County line to the confluence with the Hudson river.

f. Hudson river--Approximately nine miles from the hamlet of Newcomb to the confluence with the Cedar river and approximately four miles from the confluence with the Boreas river to a point one mile north of the hamlet of North river.

g. South branch of the Moose river--Approximately eighteen miles from the east boundary of the state land immediately west of Little Moose lake to the west boundary of state land near Rock Dam and approximately six and one-half miles from the east boundary of state land just north of Woodhull mountain downstream to the state land boundary near the confluence with the middle branch of the Moose river.

3. Recreational rivers

a. West branch of Ausable river--Approximately five miles from the state boundary along the River road east of Big Cherry Patch pond downstream to the state boundary immediately west of High Falls.

§ 15-2714. Additional designations.

In addition to the rivers designated in section 15-2713 of this chapter, the following rivers are included in the system, being classified by the criteria stated in section 15-2707:

1. Wild rivers

a. Cedar river - Approximately seven and three-tenths miles from the outlet of Cedar lakes to a point where a road crosses the river approximately one and one-half miles upstream of Cedar river flow.

b. Kunjamuk river - Approximately eight miles from the outlet of South pond to a fish barrier dam near the southwest boundary of lot 9, township 31, Gorton Tract.

c. Main branch of the Oswegatchie river - Approximately eighteen and one-half miles from the Partlow Mill dam to the southernmost boundary between private and state land at Inlet.

d. Middle branch of the Oswegatchie river - Approximately fourteen and one-half miles from the north boundary of lot 27, Watson's East Triangle to a point one mile downstream of the confluence with Wolf creek.

e. Piseco outlet - Approximately four and one-fifth miles from a point one-half mile east of the route 10 bridge crossing to the confluence with the West Branch of the Sacandaga river.

f. West branch of the Sacandaga river - Approximately nine miles from the source near Silver lake mountain to the Silver lake wilderness boundary near route 10 and approximately two and seven-tenths miles from the confluence with Cow creek to the confluence with Piseco outlet.

g. South branch of West Canada creek - Approximately five and nine-tenths miles from the headwaters near T-Lake falls to a footbridge crossing located approximately one mile upstream of the Floe.

2. Scenic rivers

a. Black river - Approximately seven and eight-tenths miles from the point where Farr road crosses the river to the point where the river intersects the Adirondack park boundary.

b. Bog river - Approximately seven and three-tenths miles from the dam below Hitchins pond to Big Tupper lake.

c. Blue Mountain stream - Approximately nine miles from the outlet of

Clear pond to the confluence with Pleasant lake stream.

d. Carmens river - Approximately two and one-quarter miles from its headwaters at the north boundary of Cathedral Pines Park (formerly Camp Wilderness), Suffolk county, southerly to its intersection with the southern boundary of Camp Sobaco (Girl Scout Camp).

e. Carmens river--Approximately two and one-half miles from Yaphank avenue, Suffolk county, southerly to the Concrete Wing dam in Southaven park.

f. Carmens river--Approximately two and one-half miles from the south side of Sunrise highway, Suffolk county, southerly to the mouth of the river (a line between Long Point and Sandy Point) at its confluence with Great South Bay.

g. Cedar river - Approximately ten miles from a point where a road crosses the river one and one-half miles upstream of Cedar river flow to a point where a southerly extension of the northeast state land boundary of lot 96, township 33, Totten and Crossfield's Purchase, would intersect the river.

h. Deer river - Approximately six and two-tenths miles from the outlet of Deer river flow to a point where the river intersects the Adirondack park boundary.

i. East Canada creek - Approximately twenty and nine-tenths miles from Powley Place to a point at which the creek intersects the Adirondack park boundary near Sprite creek at the southwest corner of lot 45, town of Oppenheim, Lott and Low's Patent.

i-1. The Genesee river within Letchworth State Park.

j. Middle branch of the Grasse river - Approximately fourteen and one-half miles from the confluence of Blue Mountain stream and Pleasant lake stream to the confluence of the South Branch of the Grasse river.

k. North branch of the Grasse river - Approximately twenty-five and four-tenths miles from the outlet of Church pond to a point where the North Branch intersects the Adirondack park boundary.

l. South Branch of the Grasse river - Approximately thirty-five and two-tenths miles from the outlet of Center pond to the confluence with the outlet of Allen pond, and approximately three and seven-tenths miles from the most southerly point where the South Branch of the Grasse river intersects the Adirondack park boundary, north to the confluence with the Middle Branch of the Grasse river.

m. Independence river - Approximately twenty-six miles from the outlet of Little Independence pond to the point where the Sperryville bridge crosses the river.

n. Jordan river - Approximately eighteen miles from the outlet of Marsh pond to Carry Falls reservoir.

o. Kunjamuk river - Approximately ten and four-tenths miles from a fish barrier dam near the southwest boundary of lot 9, township 31, Gorton Tract, to the confluence with the Sacandaga river.

p. Long Pond outlet - Approximately sixteen miles from the outlet of Long pond to the confluence with the West Branch of the St. Regis river.

q. Marion river - Approximately five miles from the outlet of Utowana lake to Raquette lake.

r. Main branch of the Moose river - Approximately fifteen and four-fifths miles from the confluence of the South and Middle Branches of the Moose river to a point where the Main Branch intersects the Adirondack park boundary.

s. South branch of the Moose river - Approximately fourteen and two-fifths miles from the west boundary of state land near Rock dam to the east boundary of state land north of Woodhull mountain.

s-1. North Branch of the Moose river -- Approximately six miles from

the outlet of Big Moose lake to the confluence with the outlet of Goose Pond.

s-2. Nissequogue river - Approximately one and four-tenths miles from the dam at the outlet of New Mill Pond to the pedestrian bridge south of Route 25/25A including its tributaries and ponds identified as P288 Phillips Millpond, P289 Willow Pond, P290 Upper Vail Pond, P291 Webster Pond, and P291a Lower Vail Pond on a certain map titled "Official Classifications - Surface Waters of Western Suffolk County," published by the water resources council and prepared by the New York state department of health.

t. Middle branch of the Oswegatchie river - Approximately nine miles from the outlet of Walker lake to the north boundary of lot 27, Watson's East Triangle and approximately fourteen and two-fifths miles from a point one mile downstream of the confluence with Wolf Creek to a point where the Middle Branch intersects the Adirondack park boundary at the southeast boundary of lot 993, township of Diana, Macomb's Purchase, great tract 4.

u. West branch of the Oswegatchie river - Approximately seven miles from the outlet of Buck pond to a point approximately one mile upstream of Round pond at the point where a foot and snowmobile bridge crosses the West Branch.

v. Otter brook - Approximately ten miles from the outlet of Lost pond to the confluence with the South Branch of the Moose river.

w. Raquette river - Approximately twenty miles from the outlet of Long lake to the confluence with a small stream from the northeast, located approximately one mile downstream from Trombley Landing, and approximately thirteen and eight-tenths miles from the confluence with Dead creek to a point where the river intersects the north boundary of lot 1, township 5, Tannery Lot near Carry Falls reservoir.

x. Red river - Approximately nine and seven-tenths miles from the headwaters of the river to the confluence with the South Branch of the Moose river.

y. Rock river - Approximately six and nine-tenths miles from the O'Neil flow road crossing to the confluence with the Cedar river.

z. Round lake outlet - Approximately two and seven-tenths miles from the outlet of Round lake to the confluence with the Bog river.

aa. East branch of the St. Regis river - Approximately fourteen and one-half miles from a point where route 30 crosses the East Branch near Meacham lake, to a point one-half mile upstream from Everton falls.

bb. Main branch of the St. Regis river - Approximately fifteen and five-tenths miles from a point where a private road to Bay pond crosses the Main Branch in lot 16, township 17, Macomb's Purchase, great tract 1, to the confluence with Balsam brook.

cc. West branch of the St. Regis river - Approximately thirty-five miles from the outlet of Little Fish pond to a point one-half mile downstream from the confluence with Fenner Meadow brook.

dd. West Canada creek - Approximately seventeen miles from a point where the creek intersects the state land boundary approximately two miles upstream of the Old Mitchell Dam site, to the route 8 bridge crossing near Nobleboro.

ee. West Stony creek - Approximately seven and seven-tenths miles from the Tannery road crossing to the confluence with Hatch brook.

ff. Peconic river - Approximately ten and one-half miles from the western boundary of the Red Maple swamp to the Long Island railroad bridge between Connecticut and Edwards Avenue and approximately three miles from Middle Country Road (State Route 25) to the confluence with the previously described segment of the Peconic including tributaries

T112-5, T112-6 and T112-7.

3. Recreational rivers

a. East branch of the Ausable river - Approximately twenty-eight and three-tenths miles from St. Huberts to the confluence with the West Branch.

b. Main branch of the Ausable river - Approximately twenty-two miles from the confluence of the East and West Branches of the Ausable river to Lake Champlain.

c. West branch of the Ausable river - Approximately twenty-nine and one-half miles from the headwaters of the West Branch near Heart lake to the confluence with the East Branch.

d. Black river - Approximately six and three-fifths miles from the outlet of North lake to a point where Farr road crosses the river.

e. Bouquet river - Approximately forty-seven and seven-tenths miles from the confluence with the North Fork of the Bouquet river to Lake Champlain.

f. Carmens river - Approximately two miles from its intersection with the southern boundary of Camp Sobaco (Girl Scout Camp), southerly to Yaphank Avenue, Suffolk county. However, the rules and regulations applicable to recreational rivers as set forth in title twenty-seven of this law shall not apply to any lands or structures included in the proposed Yaphank historic district. This exclusion shall take effect only upon the creation of said Yaphank historic district.

g. Carmens river - Approximately one mile southerly from the Concrete Wing dam in Southaven park, Suffolk county, to Sunrise highway.

h. Cedar river - Approximately eleven miles from a point at which a southerly extension of the northeast state land boundary parallel to the southwest boundary of lot 96, township 33, Totten and Crossfield's Purchase would intersect the river to the southwest boundary of lot 82, township 17, Totten and Crossfield's Purchase.

i. Connetquot river - Approximately five and three-fourths miles from Johnson Avenue, Suffolk county, south to the Sunrise highway.

j. South branch of the Grasse river - Approximately five and one-fifth miles from the confluence with the outlet of Allen pond to the most southerly point where the South Branch intersects the Adirondack park boundary.

k. Hudson river - Approximately twelve and seven-tenths miles from the confluence with the Opalescent river to a point where route 28N crosses the Hudson river at Newcomb and approximately forty-five and nine-tenths miles from a point one mile north of North river to the confluence with the Sacandaga river.

l. Independence river - Approximately one-half mile from a point where the Sperryville bridge crosses the river to a point where the river intersects the Adirondack park boundary.

m. Indian river - Approximately eight and three-tenths miles from the outlet of Indian lake to the confluence with the Hudson river.

m-1. Middle Branch of the Moose river -- Approximately thirteen and four-tenths miles from the confluence with the North Branch of the Moose river to the confluence with the South Branch of the Moose river.

m-2. North Branch of the Moose river -- Approximately thirteen miles from the confluence with the outlet of Goose Pond to the confluence with the Middle Branch of the Moose river.

n. Main branch of the Oswegatchie river - Approximately two and three-tenths miles from the southernmost boundary between private and state land at Inlet to Wanakena.

o. West branch of the Oswegatchie river - Approximately six and one-tenth miles from a point approximately one mile upstream of Round

pond at the point where a foot and snowmobile bridge crosses the West Branch to a point where the river intersects the Adirondack park boundary.

p. Raquette river - Approximately twenty-two miles from the outlet of Raquette lake to the outlet of Long lake and approximately seventeen miles from the confluence of the Raquette river and a small stream from the northeast, at a point approximately one mile downstream from Trombley landing to the confluence with Dead creek.

q. Rock river - Approximately one and one-fifth miles from the outlet of lake Durant to the O'Neil flow road crossing.

r. East branch of the St. Regis river - Approximately six and one-tenth miles from a point one-half mile upstream of Everton falls to the confluence with the Main Branch of the St. Regis river.

s. Main branch of the St. Regis river - Approximately seven miles from the St. Regis Church to a point where a private road to Bay pond crosses the Main Branch in lot 16, township 17, Macomb's Purchase, great tract 1, and approximately eighteen miles from the confluence with Balsam brook to a point at which the river intersects the Adirondack park boundary.

t. West branch of the St. Regis river - Approximately five and one-half miles from a point one-half mile downstream of the confluence with Fenner Meadow brook to a point where the West Branch intersects the Adirondack park boundary.

u. East branch of the Sacandaga river - Approximately fourteen miles from a point approximately one-half mile above Cook brook to the confluence with the Main Branch of the Sacandaga river.

v. Main branch of the Sacandaga river - Approximately thirty-one miles from the outlet of Lake Pleasant to the inlet of Great Sacandaga lake.

w. West branch of the Sacandaga river - Approximately ten and three-fifths miles from the Silver lake wilderness boundary near the most upstream route 10 bridge crossing to the confluence with Cow creek and approximately seven and two-tenths miles from the confluence of Dugway creek to the confluence with the Main Branch of the Sacandaga river.

x. Salmon river - Approximately twelve and three-tenths miles from the outlet of Elbow ponds to the point where the river intersects the Adirondack park boundary.

y. Main branch of the Saranac river - Approximately sixty and two-fifths miles from the outlet of Upper Saranac lake to the point where the river intersects the Adirondack park boundary.

z. Schroon river - Approximately sixty-six and seven-tenths miles from the outlet of the former Dead Water pond to the confluence with the Hudson river.

aa. West Canada creek - Approximately eleven miles from the route 8 bridge crossing near Nobleboro to the Harvey road bridge crossing.

bb. South branch of West Canada creek - Approximately nine and seven-tenths miles from the footbridge crossing one mile upstream of The Floe to the confluence with the Main Branch of West Canada creek.

cc. West Stony creek - Approximately six miles from the Persch road crossing to the Tannery road crossing and approximately two and seven-tenths miles from the confluence with Hatch brook to the confluence with the Main Branch of the Sacandaga river.

dd. Ramapo river -- Approximately three and one-half miles from the Orange county line to the site of an abandoned power dam in the hamlet of Ramapo.

ee. Nissequogue river - Approximately one and four-tenths miles from state route 347 to the dam at the outlet of New Mill Pond including its

tributaries identified as P292-1 to Brookside Drive and two unnamed tributaries P292-2 and P292-3, and approximately five miles from the pedestrian walkway and dam at the outlet of Phillips Millpond to its confluence with Long Island sound including its tributaries and ponds connected therewith, specifically described as T-62 on a certain map entitled "Official Classifications-Surface Waters of Western Suffolk County", prepared by the New York state department of health and published by the water resources council.

ff. Shawangunk Kill river - From the border of Ulster and Orange counties to its confluence with the Wallkill river.

gg. Peconic river - Approximately five and one-half miles from the Long Island railroad bridge between Connecticut and Edwards Avenue to Grangabel Park dam in Riverhead and approximately two miles of the Little River (tributary T112-1) from and including Wildwood Lake to its confluence with the Peconic.

hh. Fall Creek from the southern boundary of Cayuga Lake to the west face of the foot bridge running across Fall Creek, which foot bridge is located between Thurston Avenue on the west and Beebe Lake on the east. The boundaries of the river corridor shall be defined as follows:

DESCRIPTION OF NORTHERN BOUNDARY OF FALL CREEK RIVER CORRIDOR

Beginning at a point at the intersection of the high water mark of Cayuga Lake, on the southerly boundary of Cayuga Lake, and the northerly boundary of Fall Creek, said point being in the northerly boundary of Stewart Park; running thence northeasterly along the northerly boundary of Stewart Park to its intersection with the westerly boundary of the Lehigh Valley Railroad right-of-way; running thence in a southerly direction along the westerly edge of the Lehigh Valley Railroad right-of-way approximately 3,450 feet to a point located 50 feet northerly along said railroad from the north bank of Fall Creek; running thence in a southeasterly direction parallel with and 50 feet northerly from the north bank of Fall Creek crossing Cayuga Street to a point on the easterly boundary of Cayuga Street, located approximately 20 feet northerly from the north bank of Fall Creek, said point being the intersection of the easterly boundary of Cayuga Street with the extended line of a chain link fence on Ithaca School District property running approximately parallel with Fall Creek; running thence in a southeasterly direction along the extended line of the chain link fence and continuing along said chain link fence, approximately parallel to Fall Creek to the end of the chain link fence; continuing thence in a southeasterly direction along the extended line of said chain link fence approximately 5 feet to the south line of a sidewalk which runs through Ithaca School District property approximately parallel with Fall Creek; continuing thence along the south line of said sidewalk to the intersection of the south line of said sidewalk with the westerly boundary of Lake Street; running thence perpendicular to Lake Street approximately 50 feet to the east boundary of Lake Street; running thence in a northwesterly direction along the east line of Lake Street approximately 75 feet to a point of the northwest corner of City Tax Parcel 12-1-1; running thence in an easterly direction along the northerly boundary of tax parcel 12-1-1 approximately 250 feet to the northeast corner of Tax Parcel 12-1-1; continuing thence on the same course along a line shown on Tax Maps Numbers 12 and 11 as a match line and along the northerly boundary line of Tax Parcel 6-2-1 approximately 600 feet to the northwest corner of Tax Parcel 11-1-1, said point being located approximately 12.5 feet westerly from the westerly boundary of Stewart Avenue; running thence easterly approximately 12.5 feet along the north boundary of Tax Parcel 11-1-1 to the westerly boundary of

Stewart Avenue; running thence in a southeasterly direction along the southwesterly boundary of Stewart Avenue approximately 464 feet to the southeasterly corner of Tax Parcel 11-1-2; running thence in an easterly direction perpendicular to and across Stewart Avenue to a point in the easterly line of Stewart Avenue approximately 25 feet northerly of the northerly boundary of the Stewart Avenue bridge; running thence northerly and easterly along the easterly boundary of Stewart Avenue and southerly boundary of Fall Creek Drive as it curves to a point located approximately 145 feet southerly along Fall Creek Drive from the intersection of the east boundary of Fall Creek Drive and the south boundary of Thurston Avenue, said point being located at the intersection of the easterly boundary of Fall Creek Drive and a line extended westerly being a line 10 feet southerly from the southerly boundary of the tennis courts located southeasterly from the intersection of Thurston Avenue and Fall Creek Drive; running thence easterly along said extended line and 10 feet southerly from the southerly boundary of said tennis courts to the intersection of said line extended easterly and the northeasterly boundary of an asphalt path which runs southwesterly from Prudence Risley Hall to Thurston Avenue; running thence in a southeasterly direction along the northerly boundary of said asphalt path to the intersection of said asphalt path with the westerly boundary of Thurston Avenue; running thence southerly along the westerly boundary of Thurston Avenue to a point located 25 feet northerly from the north edge of the gorge; running thence easterly parallel with and 25 feet northerly from the north edge of the gorge to its intersection with the line of the west face as extended northerly of the foot bridge over the gorge; running thence southerly to and along the west face of said foot bridge to a point in the center line of Fall Creek.

DESCRIPTION OF SOUTHERN BOUNDARY OF FALL CREEK RIVER CORRIDOR

Beginning at a point at the intersection of the high water mark at the south end of Cayuga Lake with the east bank of Cayuga Inlet; running thence southerly along the east bank of Cayuga Inlet approximately 1,050 feet to a point marking the intersection of the east bank of the Cayuga Inlet with the southwest corner of Tax Parcel 2-2-1; running thence easterly along the south boundary of Tax Parcel 2-2-1 approximately 600 feet to a point marked by a 2-inch square iron pin, said point being located approximately 100 feet southwesterly from the west bank of Fall Creek; running thence southeasterly approximately 1,290 feet to a point at the east side of the golf course access gate; running thence easterly approximately 80 feet to the eastern edge of Pier Road; running thence southeasterly along the east edge of Pier Road approximately 950 feet to the north edge of a gravel access road which runs to the Lehigh Valley Railroad right-of-way; running thence southeasterly along the north edge of said gravel access road to the westerly right-of-way of the Lehigh Valley Railroad; running thence northwesterly along said right-of-way to a point located approximately 50 feet southerly from the south bank of Fall Creek; running thence southeasterly parallel with and 50 feet southerly from the south bank of Fall Creek to the west edge of Woodland Place, being also the easterly right-of-way line of New York State Route 13; running thence southwesterly along the east right-of-way line of New York State Route 13 and the west side of Woodland Place to a point in the north boundary of Tax Parcel 13-1-5; running thence northeasterly and southeasterly along the south line of Woodland Place, being also the north lines of Tax Parcel Nos. 13-1-5, 13-1-6, and 13-1-7 215.6 feet to the west boundary of North Cayuga Street; continuing thence along the same course across Cayuga Street to a point being the northwesterly

corner of Tax Parcel No. 5-2-1; running thence southeasterly along the northeasterly boundaries of Tax Parcel Nos. 5-2-1, 5-2-6, 5-2-7, 5-2-8, 5-2-9 and 5-2-10 a distance approximately 480 feet to the easterly corner of Tax Parcel No. 5-2-10, said point being the intersection of the north boundary of East York Street and the west boundary of North Tioga Street; running thence northerly along the west boundary of North Tioga Street to the bank of Fall Creek; running thence southeasterly along the bank of Fall Creek to the northwest corner of Tax Parcel No. 12-2-1; running thence southeasterly along the northerly boundary of Tax Parcel Nos. 12-2-1 and 12-2-2 360 feet to the northeast corner of Tax Parcel No. 12-2-2; running thence easterly along the northerly boundary of Tax Parcel No. 12-2-13 45.5 feet to the northeast corner of Tax Parcel No. 12-2-13; running thence southerly approximately 25 feet along the easterly boundary of Tax Parcel No. 12-2-13 to the northwest corner of Tax Parcel No. 12-2-12; running thence easterly along the northerly boundary of Tax Parcel No. 12-2-12 35.33 feet to a point; running thence southerly approximately 12.5 feet; and running thence easterly along the north boundary of Tax Parcel No. 12-2-12 approximately 40 feet to a point; continuing thence along the northerly boundaries of Tax Parcel Nos. 12-2-11, 12-2-10, 12-2-9, 12-2-8, 12-2-7, 12-2-6, 12-2-5 and 12-2-4 approximately 328.6 feet to the westerly boundary of Lake Street at the southwest corner of the Lake Street bridge over Fall Creek; continuing thence across Lake Street along the south edge of the Lake Street bridge over Fall Creek to a point in the easterly boundary of Lake Street; running thence southerly along the east boundary of Lake Street 401 feet to a point marking the intersection of the east boundary of Lake Street and the southerly boundary of Lincoln Street extended; continuing thence easterly along the southerly boundary of Lincoln Street extended 180 feet to a point marking the southeast corner of Lincoln Street extended; continuing thence on the same course approximately 75 feet to a point in the east boundary of Tax Parcel No. 12-7-4; running thence northerly along the east boundary of Tax Parcel No. 12-7-4 approximately 69 feet to a point; running thence easterly along the northerly boundary of Tax Parcel No. 11-3-1 100 feet to a point at the southerly boundary of Old Penstock; running thence easterly along the southerly boundary of said Old Penstock a chord distance of approximately 362.5 feet to a point; in the westerly boundary of Tax Parcel No. 11-3-3; running thence southerly along the westerly boundary of Tax Parcel No. 11-3-3 approximately 68 feet to a point marking the northwesterly corner of Willard Way; running thence southeasterly and southerly along the northerly and easterly boundaries of Willard Way to the southwesterly corner of Tax Parcel No. 11-3-3 said point also being the northwesterly corner of Tax Parcel No. 11-3-6; running thence easterly along the southerly boundary of Tax Parcel No. 11-3-3 110 feet to a point in the northwesterly boundary of Stewart Avenue; running thence northerly and easterly along the westerly and northerly boundary of Stewart Avenue approximately 298 feet to a point located approximately 35 feet southerly from the Stewart Avenue bridge; running thence in an easterly direction across Stewart Avenue to a point marking the southerly boundary of the Cayuga Trail; running thence easterly along the southerly boundary of the Cayuga Trail to the northwesterly boundary of University Avenue; running thence northerly and easterly along the westerly and northerly boundaries of University Avenue to the intersection of the north line of University Avenue and the west line of Thurston Avenue; continuing thence easterly along the north line of University Avenue as it becomes the north line of Forest Home Drive and along the north line of Forest Home Drive approximately 600 feet to the intersection of the north line of Forest Home Drive with

the line of the west face of the foot bridge over Fall Creek Gorge as extended southerly; running thence northerly along said extended line and the west face of the said foot bridge to the center of Fall Creek.

Such boundaries shall constitute the final boundaries and shall not be subject to amendment, alteration or modification by any action or determination by the commissioner or the department.

Responsibility for the administration of the area designated herein shall be delegated to the city of Ithaca pursuant to the appropriate regulations.

The designation of Fall Creek shall not, solely by operation of this article, be construed so as to restrict or prohibit utility or similar facilities support related-systems or facilities support-related activities of the land grant institution known as Cornell University conducted in furtherance of its educational purposes, which are located upstream of the designated area of Fall Creek. Such activities shall include, but not be limited to, the operation of Cornell University's chilled water plant, water filtration plant and intakes for such plants and for its hydroelectric plant and the necessary dredging of intake areas, storm water drains, utility lines, and foot bridges, which may otherwise be permitted but for such designation.

§ 15-2715. Designation of additions to the system.

1. The commissioner or agency shall study and from time to time submit to the governor and to the legislature proposals for the addition to the state wild, scenic and recreational rivers system of river areas which, in their judgment, fall within one or more of the descriptive classes set out in this title. Each proposal shall specify the class or classes of the proposed addition and shall be accompanied by a detailed report on the factors which, in the judgment of the commissioner or agency, make the area a worthy addition to the system. The report shall show the area included within the proposal; the characteristics which make the area a worthy addition to the system; the current status of land ownership and use in the area; the anticipated acquisitions of land and scenic or other easements in the area; the potential uses of the land and water; and the cost of acquisitions of land and scenic or other easements and improvements proposed. The commissioner or agency shall send the report to the legislative authority of each county, town, and municipal corporation, any part of which is within the area, and to the commissioner of transportation, commissioner of agriculture and markets, commissioner of health, and commissioner of commerce. Thereafter, each proposal shall be submitted to the governor and the legislature for adoption or modification. This section is not intended to preclude or discourage studies and proposals by other agencies or by citizen groups working independently or with the commissioner or the agency, provided that such studies and proposals shall be conducted and made in accordance with the criteria and procedures set forth in this subdivision and shall be submitted to the agency or the commissioner as appropriate for comment prior to submission of any proposal to the governor or the legislature. The commissioner and the agency shall provide technical assistance to and cooperate with any such agencies and citizen groups.

2. Not later than three years after the effective date upon which each of the following rivers shall have been designated for study by inclusion in this subdivision, the agency, after consultation and cooperation with the commissioner with respect to rivers within the

Adirondack park, or the commissioner with respect to rivers elsewhere, is hereby directed to consider and make proposals to the legislature for the addition of each such river to the state wild, scenic and recreational rivers system :

a. The Batten Kill river from the Vermont state line to the dam at Greenwich.

b. The Delaware river from Port Jervis to the junction of the East and West Branches of the Delaware river, and the East Branch of the Delaware river upstream to the Downsville dam, and the West Branch of the Delaware river upstream to the Cannonsville dam.

c. The Genesee river from the Pennsylvania state line to Letchworth State Park.

d. The Susquehanna river from Otsego lake to Bainbridge at the Route 206 crossing.

g. Bouquet river--Approximately twenty-four miles of the North Branch from Trout pond to the confluence with the Main Branch.

h. The Branch--Approximately sixteen miles from Elk lake to the confluence with the Schroon river.

i. East Stoney creek--Approximately eighteen miles from Harrisburg lake to Great Sacandaga lake.

j. Grasse river--Approximately twenty-five miles of the Main Branch from the confluence with the South Branch to the village of Canton.

l. Osgood river--Approximately fourteen miles from Jones pond to Meacham lake.

m. Oswegatchie river--Approximately eleven miles of the Main Branch from the Cranberry lake outlet to River road.

n. Pleasant Lake stream--Approximately seven miles from Pleasant lake to the confluence with the Middle Branch of the Grasse river.

o. Saranac river--Approximately seventeen miles of the North Branch from Mud pond to the confluence with the Main Branch.

§ 15-2717. Cooperation with the federal government.

Nothing in this title shall preclude a section of the state wild, scenic and recreational rivers system from becoming a part of the national wild and scenic rivers system. The commissioner and the agency are directed to encourage and assist any federal studies for inclusion of New York State rivers in the national wild and scenic rivers system.

§ 15-2719. Cooperation clause.

The commissioner and agency shall cooperate with each other and coordinate their activities with respect to their respective jurisdictions over the designated rivers within the Adirondack park to ensure compliance for the general criteria and management objectives set forth in this part.

§ 15-2721. Conflict with other laws.

Any section of the state wild, scenic and recreational rivers system that is or shall become a part of the Forest Preserve, the Adirondack or Catskill Parks or any other state park, wildlife refuge, or similar area shall be subject to the provisions of this title, and the laws and constitutional provisions under which the other areas may be administered, and in the case of conflict between the provisions of those laws and constitutional provisions and the provisions of this

title, the more restrictive provisions shall apply.

§ 15-2723. Penalties and enforcement.

Any person who violates any provision of this title or any regulation or order issued pursuant to this act by the commissioner or the agency may be compelled to comply with or obey the same by injunction, mandamus or other appropriate remedy. In addition, any such person shall pay a civil penalty of not less than one hundred dollars or more than one thousand dollars for each day of such violation. The commissioner or the agency as the case may be, is authorized to commence a civil action to recover such civil penalties or other appropriate relief.