



NEW YORK STATE

# OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

## **Policy Regarding the Issuance and Implementation of Revocable Licenses for Certain Activities on State Forest Preserve Land**

### **I. Purpose & Background**

The Olympic Regional Development Authority (Olympic Authority) is statutorily authorized to operate, manage, and maintain certain venues that are located on State Forest Preserve Land in the Adirondack and Catskill Parks. The Olympic Authority has assumed the responsibility for these venues pursuant to an agreement with the NYS Department of Environmental Conservation (DEC), which is charged with the custody, care, and control of the Forest Preserve (Environmental Conservation Law §§ 3-0301[1][d] and 9-0105[1]). Lands located within the Forest Preserve are subject to the protections of Article 14 of the New York State Constitution (NY Const art. XIV, § 1). Accordingly, the scope of activities that may be conducted on Forest Preserve lands must be consistent with the NYS Constitution and other protections that apply to their management, including but not limited to the Adirondack Park State Land Master Plan and Catskill Park State Land Master Plan, as applicable, and approved Unit Management Plans (UMPs).

In administering its responsibilities under the New York State Constitution, the Environmental Conservation Law, and Article 9 of the New York Compilation of Codes, Rules, and Regulations (NYCRR), the Department of Environmental Conservation (DEC) has established a policy for issuing Temporary Revocable Permits (TRPs) for the use of state lands. Pursuant to the Consolidated and Amended Memorandum of Understanding between the Olympic Regional Development Authority (ORDA) and the DEC, ORDA collaborates with the DEC to manage venues located on Forest Preserve lands. This management aligns with the DEC's principles for land stewardship and adheres to the statutory mandate of Public Authorities Law Article 8, Title 28. This mandate requires ORDA to make its venues available for public use, maximize revenue opportunities, contribute to the economic and social benefits of the region, and enhance the physical fitness and athletic and recreational education of the people of New York State and the United States. By doing so, ORDA assists in the effective use and upkeep of these venues.

To that end, the purpose of this policy is to establish a procedure for members of the public who wish to carry out certain activities at Olympic Authority venues located on Forest Preserve lands, ensuring consistency with DEC TRPs. This policy aims to protect the lands while enabling their use and outlines the process for implementing and enforcing these guidelines. Specifically, it sets forth the procedure for processing and issuing Revocable License Agreements (RLAs) for the use of state lands within the Forest Preserve, pursuant to the authority granted to the Olympic Authority. Notably, this policy does not apply to activities for which the DEC issues Expedited TRPs, Non-Routine TRPs, or Research TRPs.

## **II. Policy**

Pursuant to Public Authorities Law Section 2611, the Olympic Authority is vested with the power to schedule, book, and manage events at various facilities including, but not limited to, Olympic facilities, Belleayre Mountain ski center, and other properties owned or controlled by the Olympic Authority. The Olympic Authority is thereby authorized to issue RLAs and execute all instruments necessary or convenient for the conduct of its business, and to operate, maintain, and manage the aforementioned facilities.

RLAs shall only be issued for activities that are in compliance with all constitutional, statutory and regulatory requirements; the Adirondack and Catskill State Land Master Plans; adopted Unit Management Plans; approved work plans and guidance documents; and that have negligible or no permanent impact on the environment. RLAs are subject to all other applicable State and Federal requirements and subject to any required Federal, State or local permit requirements.

## **III. Definitions**

1. Administrative Use - The use of Motorized Equipment, including aircraft, unmanned aircraft systems, all-terrain vehicles (ATVs), and off-road vehicles (ORVs), only as necessary to comply with the rules and regulations of an Event or Activity. The term “Administrative Use” also includes the direct supervision by appropriate Olympic Authority officials of the use of Motorized Equipment on Forest Preserve lands for the purposes of protecting the health and safety of event staff, participants, spectators, or the general public in the case of sudden, actual, and ongoing emergencies or, in the sole judgment and discretion of the Olympic Authority, the need to protect or preserve the intrinsic value of natural resources.
2. Department – The New York State Department of Environmental Conservation.
3. Event or Activity – Any event or activity on State Land within the Forest Preserve that is managed and maintained by the Olympic Authority, with public and private individuals, organizations, groups and other entities desiring to use such land for conducting events and activities outside the scope and customary business purposes of the Olympic Authority under Title 28 of Public Authorities Law, including but not limited to:
  - a. Any organized event such as sponsored hikes; athletic tournaments, competition, and/or activity conducted on Forest Preserve lands. This includes athletic tournaments and/or competitive events in which two or more contestants register to compete on a predetermined course or designated area; orienteering races, runs, rides or competitions; fairs; and music performances;
  - b. Temporary art exhibitions (e.g., sculptures and site-specific commissions);
  - c. Evening group gatherings on day use areas;
  - d. Advertising, weddings, commercial film making activities or film making activities that exclude other public use of Forest Preserve lands managed and maintained by the Olympic Authority; and
  - e. Military training and exercises where (1) firearms will not be discharged, (2) motor vehicles or aircraft will not be used, and (3) no adverse environmental impact or user conflict is likely to occur.

4. Forest Preserve – Shall include the lands owned or hereafter acquired by the State within the Counties of Essex and Ulster, except:
  - a. Lands within the limits of any village, town or city;
  - b. Lands not wild lands and not situated within either the Adirondack Park or the Catskill Park acquired by the State on foreclosure of mortgages made to loan commissioners.
5. Motorized Equipment - any device used for transporting persons, supplies, or materials that incorporates a motor or engine of any type for propulsion. This definition applies to vehicles with wheels, tracks, skids, skis, air cushion, or any other contrivance for traveling in air and on or adjacent to land, water, or ice.
6. Olympic Authority – The New York State Olympic Regional Development Authority.
7. State – The State of New York.
8. Unit Management Plan (UMP) - A document prepared and adopted by the Department and which has undergone public review and comment that assesses the natural resources of a State Land unit, guides natural resource protection and the management of public recreation, and establishes a yearly implementation schedule for managing resources and developing public facilities. UMPs developed within the Adirondack Park are developed in consultation with the staff of the Adirondack Park Agency (APA) and are reviewed by the APA to ensure conformance with the Adirondack Park State Land Master Plan prior to adoption by the Department.

#### **IV. Revocable License Agreements (RLA)**

This policy establishes procedures for the issuance of RLAs by the Olympic Authority. All RLAs shall include terms and conditions to protect public health, public safety, and natural resources. A RLA may require an application fee and proof of liability insurance from the licensee, and shall be approved by the Olympic Authority's President & CEO or their designee and issued directly by the Olympic Authority's Office of General Counsel. RLAs may be issued for the following activities:

1. An Event or Activity when the group size involves more than 100 individuals; or
2. An Event or Activity approved by the Olympic Authority's President & CEO or their designee and for which a RLA was previously issued for the same Event or Activity at the same location within the past two years and where (1) there is no appreciable difference between the proposed Event or Activity described in the new RLA application; (2) the prior Event or Activity was conducted in compliance with all terms and conditions of the RLA issued for that Event or Activity; (3) the prior Event or Activity did not cause or create an adverse impact on natural resources or create a conflict with another user group; and (4) the previously issued RLA did not contain a condition prohibiting it from being considered a RLA in the future;
3. Routine maintenance of utility lines across Forest Preserve not involving vegetation management;
4. Vegetation management by State and local government including the removal of dead or hazardous trees from Forest Preserve lands, along roads, provided a tree count has been approved by a Department forester; and no more than 15 trees per lane mile will be cut.

5. An Event or Activity that requires use of Motorized Equipment, including unmanned aircraft systems, ATVs, and ORVs for an Administrative Use.

#### **V. Activities for which RLAs will not be issued**

1. Any Event or Activity at Intensive Use Areas managed by the Department's Division of Operations.
2. Any Event or Activity that takes place on State Land not operated, maintained, and managed by the Olympic Authority.
3. Any Event or Activity which unreasonably impedes the routine use of State Land by the public or interferes with the management of State Land by the Olympic Authority and the Department.
4. Any Event or Activity which could compromise The People of the State of New York's title to State Land or change the mandated use of the State Land.
5. Any construction or installation of permanent facilities such as roads, bridges, trails, structures, towers or utility lines not authorized by law, deeded right or easement.
6. Any use or establishment of a roadway for motor vehicle access across State Land as a permanent route of ingress and egress, except where an easement or other legal encumbrance to The People of the State of New York's title exists which authorizes such use.
7. Any use or establishment of trails that lead from private land and extend onto State Land for the sole benefit of the private landowner(s) or their invitee(s).
8. Any Event or Activity not compatible with the purpose for which the State land was acquired or is managed.

#### **VI. Fees**

1. RLAs will require a non-refundable fee when applicable and as determined by the Olympic Authority.
2. Educational institutions; federal, state, county and local governments and their political subdivisions are exempt from the fee.
3. If it is deemed that the Event or Activity to be done is one that assists the Olympic Authority in the administration of the Facility or to support the Olympic Authority's mission, the Olympic Authority's President & CEO or their designee may waive the application fee.
4. Routine RLAs may be subject to additional fees necessary to cover costs incurred by the Olympic Authority directly associated with permit administration, use of Facilities, and/or oversight.

#### **VII. Liability Insurance**

RLA licensees shall be required to purchase liability insurance to indemnify the Olympic Authority and The People of the State of New York against any and all claims for injury to property or person or death arising out of or relating to the operations of the licensee under the RLA.

1. The provisions of this section do not apply to federal or executive State agencies. However, provisions of this section do apply to the SUNY Research Foundation and similar not-for-profit foundations that are associated with other federal and executive state agencies.
2. Proof of liability insurance coverage must list “New York State Olympic Regional Development Authority”, the “State of New York”, and the “New York State Department of Environmental Conservation”, and their officers and employees as additional insured.
3. Policies, certificates of insurance, or proof of self-insurance (applicable to local government agencies and educational institutions) shall be received by the Olympic Authority with full premiums paid at least five (5) business days before commencement of any Event or Activity by the licensee.
4. The policy and coverage will be subject to the approval of the Olympic Authority for adequacy and form of protection.
5. All liability policies shall provide minimum limitations at levels required by the Olympic Authority.
6. An RLA is invalid unless the licensee has a valid insurance certificate, as applicable, at the time of the Event or Activity.
7. Any RLA issued by the Olympic Authority will remain valid only for the duration of the insurance coverage period.

#### **VIII. RLA Revocation or Suspension and Enforcement**

1. Any RLA issued by the Olympic Authority will remain valid only if all necessary permits and/or licenses are obtained and kept current for the full duration of the RLA.
2. RLAs may be revoked or suspended at any time in the sole discretion of the Olympic Authority.
3. In the event that the licensee fails to comply with the terms and conditions of a RLA, the Olympic Authority may take necessary action against the licensee to enforce such terms and conditions, including but not limited to, terminating the RLA between licensee and the Olympic Authority, and requiring corrective action and/or site restoration.

#### **IX. RLA Expiration**

1. Upon expiration or completion of activities authorized by a RLA and as deemed necessary, the Facility manager or designee shall inspect the State Land subject to the RLA, in order to ensure that the licensee has complied with all terms and conditions of the RLA.
2. RLAs shall be issued for a term not to exceed one (1) year, including RLA renewals and extensions.

#### **X. RLA Renewals or Extensions**

1. RLAs shall be renewed or extended only in the case of extenuating circumstances or if the Olympic Authority determines that continuance of the temporary use is in the public interest and is otherwise consistent with applicable statutes, rules, regulations, policies and approved management plans for the State Land in question.

2. Applications for renewals must be made no more than 6 months after the expiration date of a RLA.
3. Requests made for extensions less than 30 days prior to the expiration date shall be considered as new applications and handled accordingly.

## **XI. Responsibility**

Responsibility for the interpretation, updating and overall management of this policy shall reside within the Olympic Authority's Office of General Counsel.

## **XII. Procedure**

### **A. RLA Application**

1. Applications for all RLAs on State Lands or renewals of such RLAs should be made on the referenced application.
2. For activities requested on State Lands, applications should be received by the Olympic Authority's Office of General Counsel at least 30 days prior to the requested use date.
3. When applicable, applications must include a location map of sufficient detail and accuracy to depict the location and extent of the proposed activity as well as licensee's first aid/medical plan for the Event or Activity.
4. All RLA applications must include the minimum non-refundable application fee determined by the Olympic Authority, together with any additional administrative fee, if applicable.
5. In the event that any portion of the Event or Activity authorized under the terms of the RLA extends beyond the boundaries of the Forest Land managed and maintained by the Olympic Authority to include State lands and conservation easement lands, the licensee shall be required to procure a TRP from the Department. The licensee must submit a copy of the valid TRP to the Olympic Authority as evidence of the authorization to use said lands for the Event or Activity specified in the RLA. The TRP issuance is a precondition for the Olympic Authority's grant of access to the Facility and must be obtained for any activity on State lands and conservation easement lands that falls outside of the Olympic Authority's direct jurisdiction. The Licensee must ensure that all activities conducted on such lands are in strict compliance with the terms and conditions of the TRP and with all applicable laws, regulations, and policies of the Department and the State of New York.

### **B. RLA Review**

The Olympic Authority's Office of General Counsel shall:

1. Ensure the RLA is complete and, when applicable, includes a location map depicting with specificity the location and extent of the proposed activity (survey maps and deeds may be necessary to show property boundaries and ownership) as well as licensee's first aid/medical plan for the Event or Activity, together with any TRP approved by the Department for the Event or Activity;
2. Determine if the proposed use of the State Land will be in compliance with this Policy; and

3. Recommend approval or denial of the RLA prior to sending the RLA to the Olympic Authority's President & CEO or their designee for a final determination.

### **C. RLA Issuance**

1. All RLAs should be transmitted electronically whenever possible.
2. Proof of liability insurance for RLAs must be received at least five (5) business days prior to the onset of the Activity or Event. RLAs requiring such insurance shall not be approved until proof of such insurance has been received by the Olympic Authority.
3. The Office of General Counsel will recommend if the RLA should be approved or denied.
4. If approved, the Office of General Counsel will:
  - a. Provide the RLA to the licensee with standard terms and conditions and/or special terms and conditions attached; and
  - b. Forward a copy of the RLA to Facility Manager where the Event or Activity is taking place;
  - c. The Olympic Authority's Department of Finance shall process the minimum non-refundable application fee and/or an additional administrative fee if applicable.
5. If denied, the Facility Manager shall notify the licensee and explain the reason(s) for denial.
6. If a current RLA is requested for extension or renewal, the Olympic Authority's President & CEO or their designee may extend or renew the RLA and notify the Office of General Counsel to issue an extended or renewed RLA.