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## Proposed law could open state land to maple producers

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State Assemblyman Tony Jordan, R-Jackson, is preparing to introduce legislation to allow maple syrup producers to tap trees on state-owned land, with revenue from the leases going to expand agricultural conservation easement programs.

"We have a tremendous untapped - hah, get it? - potential resource. And that is our sugar maples," Jordan said in a telephone interview on Thursday.

Under legislation that is still being drafted, maple syrup producers would pay a license fee to put their taps in sugar maple trees on state-owned land.

Jordan said establishing such a program, with resulting revenue dedicated to funding conservation easements rather than going to the state general fund, would be a way to expand conservation efforts without increasing taxes.

The state would use the money to buy development rights on farms, increasing the financial viability of farming operations.

The arrangement would enable New York maple producers to remain competitive with maple producers in other states, such as Vermont, where programs are being set up to allow tapping trees on public land, said Peter Gregg, a spokesman for the New York Farm Bureau.

Jordan said tapping sugar maples on state land would not compromise the health of forests if foresters oversee the selection of what trees are tapped.

A lot of producers already have sugar operations on property that borders state land, said David Campbell, a maple producer from Salem who is president of the Upper Hudson Maple Producers Association.

"And it would be real convenient for them to lease some of that land with maple trees right next door to them," he said.

An amendment to the state Constitution would be necessary to allow tapping trees on state forest preserve land in the Adirondack and Catskill parks, said representatives of two regional advocacy organizations.

"In my judgement, if it's forest preserve land, it would require an amendment because any commercial activity by the private sector, or even New York State itself, requires a constitutional amendment," said Neil Woodworth, a lawyer for the Adirondack Mountain Club.

"There's no way they would be able to do that (in the Adirondack Park) without passing a constitutional amendment," said Alanah Keddell, legislative associate for the Adirondack Council.

Jordan said he is researching whether a constitutional amendment would definitely be necessary, and if so, he would propose that in conjunction with the legislation he intends to introduce.

"That's something we would certainly look to work our way through," he said.

There is ample state land outside the Adirondack and Catskill parks for a tapping program to get started, said Campbell, the maple producer from Salem.

Campbell said the concept has been discussed before, but the state Department of Environmental Conservation has voiced concern that it does not have sufficient staff to oversee a lease program.

Jordan said that, ideally, the state departments of Agriculture and Environmental Conservation could form a partnership to oversee the program.

Some also have voiced objections that leases would restrict recreational access, but that is not so, Campbell said.

Jordan said he has been researching the concept since he had a conversation with a maple producer last August at the Washington County Fair.

"Because it impacts so many areas of state law, it's been difficult to get it onto paper," he said.

Maple producers also are getting some attention at the federal level.

U.S. Rep. Bill Owens, D-Plattsburgh, recently announced that he and Rep. Peter Welch, D-Vt., introduced legislation to authorize \$20 million in U.S. Department of Agriculture grants to promote the maple industry.

Grants would allow states to encourage owners and operators of privately held land to initiate or expand maple sugaring activities on that land or to voluntarily make the land available, by lease or other means, for access for maple-sugaring activities.

Grants would also be used for research, education and promotion.

U.S. Sen. Charles Schumer, D-N.Y. has introduced companion legislation in the Senate.