

4287--A

2011-2012 Regular Sessions

I N S E N A T E

March 28, 2011

Introduced by Sen. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to establishing the seagrass protection act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Article 13 of the environmental conservation law is amended
2 by adding a new title 7 to read as follows:

3 TITLE 7

4 SEAGRASS PROTECTION ACT

5 SECTION 13-0701. SHORT TITLE.

6 13-0703. DEFINITIONS.

7 13-0705. DEPARTMENTAL RESPONSIBILITIES.

8 S 13-0701. SHORT TITLE.

9 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE SEAGRASS PROTECTION
10 ACT.

11 S 13-0703. DEFINITIONS.

12 1. "COASTAL COMMUNITY" SHALL MEAN A MUNICIPAL CORPORATION, AS DEFINED
13 IN SECTION TWO OF THE GENERAL MUNICIPAL LAW, IN NASSAU AND SUFFOLK COUN-
14 TIES.

15 2. "SEAGRASS" SHALL MEAN ROOTED, VASCULAR, FLOWERING MARINE PLANTS
16 THAT ARE SUBMERGED IN NEW YORK'S BAYS AND COASTAL WATERS, INCLUDING
17 SPARTINA ALTERNIFLORA, ZOSTERA MARINA AND RUPPIA MARITIME.

18 S 13-0705. DEPARTMENTAL RESPONSIBILITIES.

19 1. THE DEPARTMENT SHALL DESIGNATE SEAGRASS MANAGEMENT AREAS. DESIG-
20 NATION OF SUCH AREAS SHALL INCLUDE CONSIDERATION, ON A GEOGRAPHIC OR
21 ESTUARINE BASIS, OF LIKELY THREATS TO SEAGRASS.

22 2. FOR EACH DESIGNATED SEAGRASS MANAGEMENT AREA, THE DEPARTMENT SHALL
23 DEVELOP AND ADOPT A SEAGRASS MANAGEMENT PLAN TO GUIDE THE DEVELOPMENT OF

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 RULES AND REGULATIONS PURSUANT TO SUBDIVISION THREE OF THIS SECTION.
2 SUCH PLAN SHALL BE DEVELOPED AFTER CONSULTATION WITH LOCAL GOVERNMENTS,
3 REPRESENTATIVES OF RECREATIONAL BOATING INTERESTS, THE MARINE INDUSTRY,
4 AFFECTED PROPERTY OWNERS, AND OTHER STAKEHOLDERS, SO AS TO EFFECTIVELY
5 MANAGE AND PROTECT SEAGRASS BEDS AND SEAGRASS RESTORATION EFFORTS. SUCH
6 PLANS SHALL, TO THE EXTENT PRACTICABLE, TAKE INTO CONSIDERATION, THE
7 GOALS OF EXISTING ESTUARY PROGRAMS. IN ADDITION, SEAGRASS MANAGEMENT
8 PLANS SHALL SEEK TO PRESERVE TRADITIONAL RECREATIONAL ACTIVITIES,
9 INCLUDING RECREATIONAL BOATING AND MARINA OPERATIONS, AS WELL AS FINF-
10 ISHING, SHELLFISHING AND TOURISM WHILE ENSURING SUCH ACTIVITIES DO NOT
11 THREATEN SEAGRASS BEDS OR NEGATE SEAGRASS RESTORATION EFFORTS.

12 3. THE DEPARTMENT SHALL HAVE THE AUTHORITY TO ADOPT RULES AND REGU-
13 LATIONS TO REGULATE COASTAL AND MARINE ACTIVITIES THAT THREATEN SEAGRASS
14 BEDS OR SEAGRASS RESTORATION EFFORTS.

15 4. THE DEPARTMENT SHALL HAVE THE AUTHORITY TO RESTRICT THE USE OF
16 MECHANICAL-POWERED FISHING OR SHELLFISHING GEAR WHICH MAY IMPACT SEAG-
17 RASS BEDS, INCLUDING CHURNING, DREDGES, RAKES AND TONGS.

18 5. THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE
19 AND MARKETS, SHALL IDENTIFY PESTICIDES AND HERBICIDES THAT ARE TOXIC TO
20 SEAGRASS AND MAKE RECOMMENDATIONS CONCERNING RESTRICTING THEIR USE IN
21 COASTAL AREAS.

22 6. THE DEPARTMENT SHALL IDENTIFY WATER QUALITY IMPACTS SUCH AS NITRO-
23 GEN POLLUTION AND MAKE RECOMMENDATIONS ON HOW TO MINIMIZE SUCH IMPACTS.

24 7. THE DEPARTMENT SHALL MAKE INFORMATION CONCERNING THE IMPORTANCE OF
25 SEAGRASS PROTECTION AND THE STATUS OF SEAGRASS RESTORATION EFFORTS
26 AVAILABLE ON THE DEPARTMENT WEBSITE.

27 S 2. This act shall take effect on the one hundred fiftieth day after
28 it shall have become a law.