

STATE OF NEW YORK

10608

IN ASSEMBLY

May 9, 2018

Introduced by M. of A. ENGLEBRIGHT, D'URSO, PELLEGRINO, THIELE, STERN, JEAN-PIERRE, LAVINE, RAMOS, GLICK, CYMBROWITZ, COLTON, LIFTON, ABINANTI, FAHY, SIMON, SANTABARBARA, ZEBROWSKI, SKOUFIS, JAFFEE, RYAN, O'DONNELL, TITONE, WOERNER, CARROLL, RAIA, MURRAY -- Multi-Sponsored by -- M. of A. BRONSON, DE LA ROSA, GUNTHER, SOLAGES -- (at request of the Governor) -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, the transportation corporations law, and the navigation law, in relation to infrastructure and vessels associated with the production of oil or natural gas in federal waters

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraphs a and b of subdivision 1 of section 23-1101 of the environmental conservation law, as added by chapter 722 of the laws of 1977, are amended to read as follows:

a. The exploration, development and production of gas in state-owned lands, except state park lands, the marine and coastal district as defined in section 13-0103 of this chapter, and the lands under the waters of Lake Ontario or along its shoreline; and

b. The exploration, development and production of oil in state-owned lands, except state park lands, the marine and coastal district as defined in section 13-0103 of this chapter, and the lands under the waters of Lake Erie and Lake Ontario or along their shorelines.

§ 2. The environmental conservation law is amended by adding a new section 23-1105 to read as follows:

§ 23-1105. Prohibition on state authorizations related to oil and natural gas production in federal waters.

1. Neither the department nor the office of general services shall enter into any new lease or other conveyance, or lease modification, that authorizes or enables the installation of pipelines or support facilities or infrastructure directly or indirectly associated with exploration, development or production of oil or natural gas located in the north Atlantic planning area.

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

LBD12061-01-8

1 2. For the purposes of this section, the following terms shall have
2 the following meanings:

3 a. "Development" means those activities taking place following the
4 discovery of commercially producible quantities of oil or natural gas,
5 including, platform construction, pipeline construction, and operation
6 of all onshore support facilities that are performed for the purposes of
7 ultimately producing oil or natural gas.

8 b. "Exploration" means any activity associated with the search of oil
9 or natural gas, including geophysical tests or the drilling of strati-
10 graphic wells.

11 c. "Federal waters" means those waters and submerged lands lying
12 seaward to the state waters of New York that appertain to the United
13 States and are subject to federal jurisdiction and control.

14 d. "North Atlantic planning area" means an area of federal waters in
15 the outer continental shelf totaling ninety-two million three hundred
16 twenty thousand acres adjacent to the coastal waters of Maine, New Hamp-
17 shire, Massachusetts, Rhode Island, Connecticut, New York, and New
18 Jersey.

19 e. "Production" means those activities that take place following the
20 successful completion of a well or field necessary for the removal of
21 oil or natural gas including field operations, transfer of resources to
22 shore, operation, monitoring, maintenance, and workover drilling.

23 3. The department is authorized to establish such rules and regu-
24 lations as it shall deem necessary to implement this section.

25 § 3. Section 80 of the transportation corporations law is amended to
26 read as follows:

27 § 80. [Definition] Definitions. 1. A pipe line corporation is a
28 corporation organized to construct and operate for public use, wholly
29 within or partly without this state, except in the city of New York,
30 lines of pipe for conveying or transporting therein petroleum, gas,
31 liquids or any products or property, or, except in such city, to main-
32 tain and operate for public use for which such purposes lines of pipe
33 already constructed.

34 2. For the purposes of this article, the terms "exploration", "devel-
35 opment", "production", "federal waters", and "north Atlantic planning
36 area" shall be defined as in section 23-1105 of the environmental
37 conservation law.

38 § 4. Section 83 of the transportation corporations law is amended to
39 read as follows:

40 § 83. Condemnation of real property. In case such corporation is
41 unable to agree for the purchase of any real property required for the
42 purposes of its incorporation, and its route in the county in which such
43 real property is situated has been finally located, it shall have the
44 right to acquire title thereto by condemnation, but such corporation
45 shall not locate its route or construct any line of pipe through or
46 under any building, dooryard, lawn, garden or orchard, except by the
47 consent of the owner thereof in writing duly acknowledged, nor through
48 any cemetery or burial ground, nor within one hundred feet of any build-
49 ing except where such line is authorized by public officers to be laid
50 across or upon any public highway, and shall not install pipelines that
51 support facilities or infrastructure associated with exploration, devel-
52 opment, or production of oil or natural gas in federal waters located in
53 the north Atlantic planning area. No such corporation shall lay or
54 construct its line of pipe through or under a street in any city, unless
55 it shall first obtain the consent of a majority of the owners of proper-

ty abutting on that portion of the street in which its pipe line is to be laid. Such pipe line shall be laid with reasonable care and prudence.

§ 5. Section 89 of the transportation corporations law, as amended by chapter 60 of the laws of 1962, is amended to read as follows:

§ 89. Over state lands. The commissioner of general services shall have power to grant to any pipe line corporation any lands belonging to the people of this state which may be required for the purposes of its incorporation on such terms as may be agreed, or such corporation may acquire title thereto by condemnation, except that no corporation may condemn any lands for the purposes of the installation of pipelines or support facilities or infrastructure associated with exploration, development, or production of oil or natural gas in the north Atlantic planning area, and further excepting that no pipe line corporation may condemn any canal lands abandoned pursuant to the provisions of article four of the public lands law~~[, constituting chapter fifty of the laws of nineteen hundred nine, as amended,~~] until after they have been sold and conveyed in the manner provided by the public lands law. If any lands owned by any county, city or town be required by such corporation for such purposes, the county, city or town officers having charge of such lands may grant them to the corporation upon terms and compensation agreed upon.

§ 6. Section 70 of the navigation law is amended by adding a new subdivision 3 to read as follows:

3. No petroleum-bearing vessel transporting crude oil produced in the north Atlantic planning area may enter or move upon the navigable waters of the state or any tidewaters bordering on or lying within the boundaries of Nassau and Suffolk counties. For purposes of this subdivision, "north Atlantic planning area" shall be defined as in section 23-1105 of the environmental conservation law.

§ 7. Section 174 of the navigation law is amended by adding a new subdivision 12 to read as follows:

12. (a) The department is prohibited from issuing or renewing any license for any major facility storing or transferring petroleum produced in the navigable waters of the state or any tidewaters bordering on and lying within the boundaries of Nassau and Suffolk counties.

(b) The department is prohibited from issuing or renewing any license for any major facility intended to transfer or store crude oil from any vessel which holds petroleum transported directly from any pipeline, support facility, or infrastructure associated with the production of crude oil from the north Atlantic planning area. For purposes of this subdivision, "development", "federal waters", "north Atlantic planning area" and "production" shall be defined as in section 23-1105 of the environmental conservation law.

§ 8. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgement shall have been rendered. It is hereby declared to be in the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 9. This act shall take effect immediately.