

STATE OF NEW YORK

6034

2017-2018 Regular Sessions

IN ASSEMBLY

February 21, 2017

Introduced by M. of A. ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. COLTON, CYMBROWITZ -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing the marine life protection task force and providing for the powers and duties thereof

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

Section 1. Article 13 of the environmental conservation law is amended by adding a new title 9 to read as follows:

TITLE 9

MARINE LIFE PROTECTION

Section 13-0901. Legislative intent.

13-0903. Definitions.

13-0905. Marine life protection task force.

13-0907. Task force; powers and duties.

13-0909. Reports and recommendations.

§ 13-0901. Legislative intent.

The legislature hereby finds that:

1. New York's extraordinary marine biological diversity is a vital asset to the state and nation. The diversity of species and ecosystems found in the state's marine and coastal district is important to public health and well-being, ecological health, and ocean-dependent industry;

2. Coastal development, water pollution and other human activities threaten the health of marine habitat and the biological diversity found in New York's marine and coastal district. New technologies and demands have encouraged the expansion of fishing and other activities to formerly inaccessible marine areas that once recharged nearby fisheries. As a result, ecosystems throughout the state's marine and coastal district are being altered, often at a rapid rate;

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

LBD09791-01-7

1 3. Fish and other sea life are sustainable resources, and fishing is
2 an important state asset. Marine protected areas and sound fishery
3 management are complementary components of a comprehensive effort to
4 sustain marine habitats and fisheries;

5 4. Understanding of the impacts of human activities and the processes
6 required to sustain the abundance and diversity of marine life is limit-
7 ed. The designation of certain areas as sea life reserves can help
8 expand the legislature's knowledge by providing baseline information and
9 improving the understanding of ecosystems where minimal disturbance
10 occurs;

11 5. Marine life reserves are essential to the protection of habitats
12 and ecosystems, conservation of biological diversity, provision of sanc-
13 tuaries for fish and other sea life, enhancement of recreational and
14 educational opportunities, provision of a reference point against which
15 scientists can measure changes elsewhere in the marine and coastal
16 district, and rebuilding depleted fisheries;

17 6. There is a need to examine and augment the state's laws to increase
18 their coherence and effectiveness at protecting New York's marine life,
19 habitat and ecosystems; and

20 7. To improve the management and protection of the state's marine
21 life, it is necessary to establish a task force, within the department,
22 to propose a marine life protection plan to be enacted into law by the
23 legislature.

24 § 13-0903. Definitions.

25 For the purposes of this title:

26 1. "Marine life reserve" shall mean a marine protected area in which
27 all extractive activities, including the taking of marine species and,
28 if necessary, other activities which upset the natural ecological func-
29 tions of the area shall be prohibited. While, to the maximum extent
30 feasible, such area shall be open to the public for managed enjoyment
31 and study, the area is to be maintained in an undisturbed and unpolluted
32 state.

33 2. "Task force" shall mean the marine life protection task force
34 established pursuant to section 13-0905 of this title.

35 § 13-0905. Marine life protection task force.

36 1. There is hereby established, within the department, the marine life
37 protection task force. Such task force shall be composed of thirteen
38 members. The director of the marine sciences research center of the
39 state university of New York at Stony Brook, or his or her designee,
40 shall be a member of the task force and shall serve as the chair of the
41 task force. The commissioner shall appoint three members of the marine
42 resources advisory council as members of the task force. The remaining
43 nine members of the task force shall be appointed by the commissioner as
44 follows: three members shall be appointed upon the recommendation of the
45 governor, three members shall be appointed upon the recommendation of
46 the temporary president of the senate, and three members shall be
47 appointed upon the recommendation of the speaker of the assembly.

48 2. The members of the task force appointed by the commissioner shall
49 be persons who have demonstrated scientific expertise in and concern for
50 the protection of marine life including recreational and commercial
51 fisherman. Such members shall serve for a term of two years, or until
52 their successor has been appointed. Vacancies in the membership of the
53 task force shall be filled in the manner provided for original appoint-
54 ments.

55 3. Members of the task force shall not receive any compensation.

56 § 13-0907. Task force; powers and duties.

1 The task force shall have the following powers and duties:

2 1. to request, receive and utilize and be provided with such facili-
3 ties, resources and data of the department, or any department, division,
4 board, bureau, commission or agency of the state or any political subdi-
5 vision thereof as may be necessary to properly carry out its powers and
6 duties;

7 2. to identify which laws, rules and regulations govern the protection
8 of marine life in the marine and coastal district and to assess the
9 scope and effectiveness of such laws, rules and regulations in protect-
10 ing marine life;

11 3. to inventory and map the marine life at each site within the marine
12 and coastal district; including all the species of marine life at each
13 such site, the approximate number of each species at each such site, and
14 the level and nature of protection afforded each species of marine life;

15 4. to propose a marine life protection plan, which shall include:

16 (a) protection of the natural diversity and abundance of marine life,
17 and the structure, function and integrity of marine ecosystems,

18 (b) sustenance, conservation and protection of marine life popu-
19 lations, including those of economic value, and rebuild those that are
20 depleted,

21 (c) improvement of recreational, educational and study opportunities
22 provided by marine ecosystems that are subject to minimal human disturb-
23 ance, and management of such uses in a manner consistent with protecting
24 biodiversity,

25 (d) protection of marine natural heritage, including protection of
26 representative and unique marine life habitats in the marine and coastal
27 district,

28 (e) recommended legislation, based upon sound scientific guidelines,
29 which establish clearly defined objectives, effective management meas-
30 ures and adequate enforcement for the protection of marine life,

31 (f) to investigate and make recommendations on the feasibility and
32 effectiveness of providing enhanced municipal regulation of marine life
33 reserves; and

34 5. to propose recommendations and legislation for the establishment
35 and regulation of marine life reserves, including no-take reserves, at
36 sites within the marine and coastal district.

37 § 13-0909. Reports and recommendations.

38 On or before two years following the effective date of this title, the
39 task force shall issue a report and its recommendations to the commis-
40 sioner, governor, temporary president of the senate and speaker of the
41 assembly. Such report and recommendation shall include all information
42 derived and recommendations composed pursuant to subdivisions two
43 through five of section 13-0907 of this title.

44 § 2. This act shall take effect on the first of January next succeed-
45 ing the date on which it shall have become a law; provided that the
46 marine life protection task force shall have two years to issue the
47 report required pursuant to section 13-0909 of the environmental conser-
48 vation law, as added by section one of this act, at which such time the
49 task force shall be deemed dissolved.