S T A T E O F N E W Y O R K

7235

I N S E N A T E

March 24, 2010

Introduced by Sen. O. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

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:

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

TITLE 7

SEAGRASS PROTECTION ACT

SECTION 13-0701. SHORT TITLE.
13-0703. DEFINITIONS.
13-0705. DEPARTMENTAL RESPONSIBILITIES.
13-0707. FERTILIZER REDUCTION IN COASTAL COMMUNITIES.

S 13-0701. SHORT TITLE.

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

S 13-0703. DEFINITIONS.

1. "COASTAL COMMUNITY" SHALL MEAN A MUNICIPAL CORPORATION, AS DEFINED IN SECTION TWO OF THE GENERAL MUNICIPAL LAW, IN NASSAU AND SUFFOLK COUNTIES.

2. "FERTILIZER" SHALL MEAN A COMMERCIAL FERTILIZER DISTRIBUTED PRIMARILY FOR NON-FARM USE, SUCH AS HOME GARDENS, LAWNS, SHRUBBERY, FLOWERS, MUNICIPAL GOLF COURSES AND MUNICIPAL PARKS.

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

S 13-0705. DEPARTMENTAL RESPONSIBILITIES.

1. THE DEPARTMENT SHALL HAVE THE AUTHORITY TO ADOPT RULES AND REGULATIONS TO REGULATE COASTAL AND MARINE ACTIVITIES THAT THREATEN SEAGRASS BEDS OR SEAGRASS RESTORATION EFFORTS, INCLUDING THE DESIGNATION OF SEAGRASS MANAGEMENT AREAS. DESIGNATION OF SUCH AREAS SHALL INCLUDE CONSIDER-

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

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ATION, ON A GEOGRAPHIC OR ESTUARINE BASIS, OF LIKELY THREATS TO SEAGRASS.

2. THE DEPARTMENT SHALL HAVE THE AUTHORITY TO RESTRICT THE USE OF MECHANICAL-POWERED FISHING OR SHELLFISHING GEAR WHICH MAY IMPACT SEAGRASS BEDS, INCLUDING CHURNING, DREDGES, RAKES AND TONGS.

3. THE DEPARTMENT SHALL IDENTIFY PESTICIDES AND HERBICIDES THAT ARE TOXIC TO SEAGRASS AND MAKE RECOMMENDATIONS CONCERNING RESTRICTING THEIR USE IN COASTAL AREAS.

4. THE DEPARTMENT SHALL MAKE INFORMATION CONCERNING THE IMPORTANCE OF SEAGRASS PROTECTION AND THE STATUS OF SEAGRASS RESTORATION EFFORTS AVAILABLE ON THE DEPARTMENT WEBSITE.

S 13-0707. FERTILIZER REDUCTION IN COASTAL COMMUNITIES.

1. A PERSON IN A COASTAL COMMUNITY MAY NOT APPLY A FERTILIZER CONTAINING THE PLANT NUTRIENT PHOSPHORUS AFTER NOVEMBER FIRST AND BEFORE APRIL FIRST.

2. ANY LOCAL LAW OR ORDINANCE OF ANY COUNTY, OR OF ANY CITY WITH A POPULATION OF ONE MILLION OR MORE, WHICH IS INCONSISTENT WITH THE PROVISIONS OF THIS TITLE SHALL NOT BE PREEMPTED IF SUCH LOCAL LAW OR ORDINANCE PROVIDES ENVIRONMENTAL PROTECTION EQUAL TO OR GREATER THAN THE PROVISIONS OF THIS TITLE.

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