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

846

2009-2010 Regular Sessions

I N S E N A T E

January 18, 2009

Introduced by Sen. MARCELLINO -- 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 electronic filing of freshwater wetlands regulatory maps

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

Section 1. Subdivisions 4, 5 and 6 of section 24-0301 of the environmental conservation law, as amended by chapter 654 of the laws of 1977, are amended to read as follows:

4. Upon completion of the tentative freshwater wetlands map for a particular area, the commissioner or his designated hearing officer shall hold a public hearing in that area in order to afford an opportunity for any person to propose additions or deletions from such map. The commissioner shall give notice of such hearing to each owner of record as shown on the latest completed tax assessment rolls, of lands designated as such wetlands as shown on said map and also to the chief administrative officer and clerk of each local government within the boundaries of which any such wetland or a portion thereof is located and, in the case of a tentative freshwater wetlands map for any area within the Adirondack park, to the Adirondack park agency, by certified mail not less than thirty days prior to the date set for such hearing and shall assure that a copy of the relevant map is available for public inspection at a convenient location in such local government. *THE MAP FILED WITH A LOCAL GOVERNMENT MAY, AT THE LOCAL GOVERNMENT'S REQUEST, BE EITHER A PHYSICAL COPY OF THE TENTATIVE FRESHWATER WETLANDS MAP, OR, IF AVAILABLE, A DIGITAL FILE THAT REPRESENTS IT.* The commissioner shall also cause notice of such hearing to be published at least once, not more than thirty days nor fewer than ten days before the date set for such hearing, in at least two newspapers having general circulation in the area where such wetlands are located. *THE COMMISSIONER MAY POST ON*

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

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THE DEPARTMENT'S WEBSITE A DIGITAL IMAGE THAT REPRESENTS THE TENTATIVE FRESHWATER WETLANDS MAP.

5. After considering the testimony given at such hearing and any other facts which may be deemed pertinent, after considering the rights of affected property owners and the ecological balance in accordance with the policy and purposes of this article, and, in the case of wetlands or portions thereof within the Adirondack park, after consulting with the Adirondack park agency, the commissioner shall promulgate by order the final freshwater wetlands map. Such order shall not be promulgated less than sixty days from the date of the hearing required by subdivision four [hereof] OF THIS SECTION. A copy of the order, together with a copy of such map or relevant portion thereof shall be filed in the office of the clerk of each local government in which each such wetland or a portion thereof is located and, in the case of a map for any area within the Adirondack park, with the Adirondack park agency. THE MAP FILED WITH A LOCAL GOVERNMENT MAY, AT THE LOCAL GOVERNMENT'S REQUEST, BE EITHER A PHYSICAL COPY OF THE FINAL FRESHWATER WETLANDS MAP, OR, IF AVAILABLE, A DIGITAL FILE THAT REPRESENTS IT. The commissioner shall simultaneously give notice of such order to each owner of lands, as shown on the latest completed tax assessment rolls, designated as such wetlands by mailing a copy of such order to such owner by certified mail in any case where a notice by certified mail was not sent pursuant to subdivision four [hereof] OF THIS SECTION, and in all other cases by first class mail. The commissioner shall also give notice of such order at such time to the chief administrative officer of each local government within the boundaries of which any such wetland or a portion thereof is located. At the time of filing with such clerk or clerks, the commissioner shall also cause a copy of such order to be published in at least two newspapers having general circulation in the area where such wetlands are located. THE COMMISSIONER MAY POST ON THE DEPARTMENT'S WEBSITE A DIGITAL IMAGE THAT REPRESENTS THE FINAL FRESHWATER WETLANDS MAP.

6. Except as provided in subdivision eight of this section, the commissioner shall supervise the maintenance of such boundary maps, which shall be available to the public for inspection and examination at the regional office of the department in which the wetlands are wholly or partly located and in the office of the clerk of each county in which each such wetland or a portion thereof is located. The commissioner may readjust the map thereafter to clarify the boundaries of the wetlands, to correct any errors on the map, to effect any additions, deletions or technical changes on the map, and to reflect changes as have occurred as a result of the granting of permits pursuant to section 24-0703 of this article, or natural changes which may have occurred through erosion, accretion, or otherwise. Notice of such readjustment shall be given in the same manner as set forth in subdivision five of this section for the promulgation of final freshwater wetlands maps. IN ADDITION, AT THE TIME NOTICE IS PROVIDED PURSUANT TO SUBDIVISION FIVE OF THIS SECTION, THE COMMISSIONER SHALL UPDATE ANY DIGITAL IMAGE OF THE MAP POSTED ON THE DEPARTMENT'S WEBSITE TO REFLECT SUCH READJUSTMENT.

S 2. This act shall take effect immediately.