

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

1976--A

2009-2010 Regular Sessions

I N A S S E M B L Y

January 14, 2009

Introduced by M. of A. LIFTON, PAULIN, CAHILL, CUSICK, LATIMER, JAFFEE, P. LOPEZ -- Multi-Sponsored by -- M. of A. ALFANO, CLARK, COLTON, COOK, GLICK, GUNTHER, KOON, PHEFFER -- read once and referred 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 electronic filing of freshwater wetlands regulatory maps

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

1 Section 1. Subdivisions 4, 5 and 6 of section 24-0301 of the environ-
2 mental conservation law, as amended by chapter 654 of the laws of 1977,
3 are amended to read as follows:
4 4. Upon completion of the tentative freshwater wetlands map for a
5 particular area, the commissioner or his designated hearing officer
6 shall hold a public hearing in that area in order to afford an opportu-
7 nity for any person to propose additions or deletions from such map. The
8 commissioner shall give notice of such hearing to each owner of record
9 as shown on the latest completed tax assessment rolls, of lands desig-
10 nated as such wetlands as shown on said map and also to the chief admin-
11 istrative officer and clerk of each local government within the bounda-
12 ries of which any such wetland or a portion thereof is located and, in
13 the case of a tentative freshwater wetlands map for any area within the
14 Adirondack park, to the Adirondack park agency, by certified mail not
15 less than thirty days prior to the date set for such hearing and shall
16 assure that a copy of the relevant map is available for public
17 inspection at a convenient location in such local government. THE MAP
18 FILED WITH A LOCAL GOVERNMENT MAY, AT THE LOCAL GOVERNMENT'S REQUEST, BE
19 EITHER A PHYSICAL COPY OF THE TENTATIVE FRESHWATER WETLANDS MAP, OR, IF
20 AVAILABLE, A DIGITAL FILE THAT REPRESENTS IT. The commissioner shall
21 also cause notice of such hearing to be published at least once, not

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

LBD05152-03-9

1 more than thirty days nor fewer than ten days before the date set for
2 such hearing, in at least two newspapers having general circulation in
3 the area where such wetlands are located. THE COMMISSIONER MAY POST ON
4 THE DEPARTMENT'S WEBSITE A DIGITAL IMAGE THAT REPRESENTS THE TENTATIVE
5 FRESHWATER WETLANDS MAP.

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

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

53 S 2. This act shall take effect on the thirtieth day after it shall
54 have become a law.