

976--A

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I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GUNTHER, LUPARDO, CROUCH, MOLINARO -- Multi-Sponsored by -- M. of A. O'MARA -- read once and referred to the Committee on Agriculture -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the agriculture and markets law and the environmental conservation law, in relation to farm pond dams

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

- 1 Section 1. Section 16 of the agriculture and markets law is amended by
2 adding a new subdivision 45 to read as follows:
3 45. DEVELOP GUIDELINES AND BEST MANAGEMENT PRACTICES IN CONJUNCTION
4 WITH THE STATE SOIL AND WATER CONSERVATION COMMITTEE FOR THE CLASSIFICA-
5 TION, OPERATION AND MAINTENANCE OF FARM POND DAMS.
6 S 2. Subdivision 7 of section 15-0107 of the environmental conserva-
7 tion law is renumbered subdivision 8 and a new subdivision 7 is added to
8 read as follows:
9 7. "FARM POND DAM" SHALL MEAN THOSE DAMS MEETING GUIDELINES ESTAB-
10 LISHED BY THE NEW YORK STATE SOIL AND WATER CONSERVATION COMMITTEE
11 PURSUANT TO SECTION SIXTEEN OF THE AGRICULTURE AND MARKETS LAW AND
12 INSTALLED TO PRINCIPALLY ENHANCE AGRICULTURAL, ENVIRONMENTAL AND CONSER-
13 VATION BENEFITS ON FARMS.
14 S 3. Subdivision 3 of section 15-0503 of the environmental conserva-
15 tion law, as amended by chapter 364 of the laws of 1999, is amended to
16 read as follows:
17 3. The requirement of a permit pursuant to this section shall not
18 apply to the following facilities:
19 a. A dock, pier, wharf or other structure used solely as a landing
20 place on water providing dockage for five or fewer boats and encompass-

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

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1 ing within its outer perimeter an area less than four thousand square
2 feet;
3 b. A mooring facility providing mooring for fewer than ten boats;
4 c. Seasonal replacement or reinstallation of structures referenced and
5 listed in paragraph b of subdivision 1 of this section installed prior
6 to the effective date of this paragraph[.];
7 D. FARM POND DAMS AS DEFINED IN SUBDIVISION 7 OF SECTION 15-0107 OF
8 THIS ARTICLE.
9 S 4. Section 15-0507 of the environmental conservation law is amended
10 by adding a new subdivision 7 to read as follows:
11 7. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
12 PROVISIONS OF THIS SECTION SHALL NOT APPLY TO FARM POND DAMS AS DEFINED
13 IN SECTION 15-0107 OF THIS ARTICLE.
14 S 5. This act shall take effect immediately.