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.
SECTION 13-0703. DEFINITIONS.
SECTION 13-0705. DEPARTMENTAL RESPONSIBILITIES.
SECTION 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 PURSUANT TO SEAGRASS MANAGEMENT PLANS. DESIG-
EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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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.