

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

7235--A

I N S E N A T E

March 24, 2010

Introduced by Sens. O. JOHNSON, FOLEY -- read twice and ordered printed,
and when printed to be committed 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
establishing the seagrass protection act

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

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

T I T L E 7

S E A G R A S S P R O T E C T I O N A C T

3 SECTION 13-0701. SHORT TITLE.

4 13-0703. DEFINITIONS.

5 13-0705. DEPARTMENTAL RESPONSIBILITIES.

6 13-0707. FERTILIZER REDUCTION IN COASTAL COMMUNITIES.

7 S 13-0701. SHORT TITLE.

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

10 S 13-0703. DEFINITIONS.

11 1. "COASTAL COMMUNITY" SHALL MEAN A MUNICIPAL CORPORATION, AS DEFINED
12 IN SECTION TWO OF THE GENERAL MUNICIPAL LAW, IN NASSAU AND SUFFOLK COUN-
13 TIES.

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

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

20 S 13-0705. DEPARTMENTAL RESPONSIBILITIES.

21 1. THE DEPARTMENT SHALL HAVE THE AUTHORITY TO ADOPT RULES AND REGU-
22 LATIONS TO REGULATE COASTAL AND MARINE ACTIVITIES THAT THREATEN SEAGRASS
23 BEDS OR SEAGRASS RESTORATION EFFORTS, INCLUDING THE DESIGNATION OF SEAG-
24 RASS MANAGEMENT AREAS PURSUANT TO SEAGRASS MANAGEMENT PLANS. DESIG-
25 [] is old law to be omitted.

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

LBD16347-03-0

1 NATION OF SUCH AREAS SHALL INCLUDE CONSIDERATION, ON A GEOGRAPHIC OR
2 ESTUARINE BASIS, OF LIKELY THREATS TO SEAGRASS.

3 2. FOR EACH DESIGNATED SEAGRASS MANAGEMENT AREA, THE DEPARTMENT SHALL
4 DEVELOP AND ADOPT A SEAGRASS MANAGEMENT PLAN TO GUIDE THE DEVELOPMENT OF
5 RULES AND REGULATIONS PURSUANT TO SUBDIVISION ONE OF THIS SECTION. SUCH
6 PLAN SHALL BE DEVELOPED AFTER CONSULTATION WITH LOCAL GOVERNMENTS,
7 REPRESENTATIVES OF RECREATIONAL BOATING INTERESTS, THE MARINE INDUSTRY,
8 AFFECTED PROPERTY OWNERS AND OTHER STAKEHOLDERS, SO AS TO EFFECTIVELY
9 MANAGE AND PROTECT SEAGRASS BEDS AND SEAGRASS RESTORATION EFFORTS. IN
10 ADDITION, SEAGRASS MANAGEMENT PLANS SHALL SEEK TO PRESERVE TRADITIONAL
11 RECREATIONAL ACTIVITIES, INCLUDING RECREATIONAL BOATING AND MARINA OPER-
12 ATIONS, AS WELL AS FINFISHING, SHELLFISHING AND TOURISM WHILE ENSURING
13 SUCH ACTIVITIES DO NOT THREATEN SEAGRASS BEDS OR NEGATE SEAGRASS RESTO-
14 RATION EFFORTS.

15 3. THE DEPARTMENT SHALL HAVE THE AUTHORITY TO RESTRICT THE USE OF
16 MECHANICAL-POWERED FISHING OR SHELLFISHING GEAR WHICH MAY IMPACT SEAG-
17 RASS BEDS, INCLUDING CHURNING, DREDGES, RAKES AND TONGS.

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

21 5. THE DEPARTMENT SHALL MAKE INFORMATION CONCERNING THE IMPORTANCE OF
22 SEAGRASS PROTECTION AND THE STATUS OF SEAGRASS RESTORATION EFFORTS
23 AVAILABLE ON THE DEPARTMENT WEBSITE.

24 S 13-0707. FERTILIZER REDUCTION IN COASTAL COMMUNITIES.

25 1. A PERSON IN A COASTAL COMMUNITY MAY NOT APPLY A FERTILIZER CONTAIN-
26 ING THE PLANT NUTRIENT PHOSPHORUS AFTER NOVEMBER FIRST AND BEFORE APRIL
27 FIRST.

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

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