

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:

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  
22 more than thirty days nor fewer than ten days before the date set for  
23 such hearing, in at least two newspapers having general circulation in  
24 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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1 THE DEPARTMENT'S WEBSITE A DIGITAL IMAGE THAT REPRESENTS THE TENTATIVE  
2 FRESHWATER WETLANDS MAP.

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

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

50 S 2. This act shall take effect immediately.