

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

7988 - -A

Cal. No. 274

2011-2012 Regular Sessions

I N A S S E M B L Y

May 25, 2011

Introduced by M. of A. SWEENEY, ENGLEBRIGHT, JACOBS, P. RIVERA --
Multi-Sponsored by -- M. of A. SCHIMEL, WEISENBERG -- read once and
referred to the Committee on Environmental Conservation -- ordered to
a third reading -- passed by Assembly and delivered to the Senate,
recalled from the Senate, vote reconsidered, bill amended, ordered
reprinted, retaining its place on the order of third reading

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.

13-0703. DEFINITIONS.

13-0705. DEPARTMENTAL RESPONSIBILITIES.

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

S 13-0705. DEPARTMENTAL RESPONSIBILITIES.

1. THE DEPARTMENT SHALL DESIGNATE SEAGRASS MANAGEMENT AREAS. DESIGNATION OF SUCH AREAS SHALL INCLUDE CONSIDERATION, ON A GEOGRAPHIC OR ESTUARINE BASIS, OF LIKELY THREATS TO SEAGRASS.

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

LBD03865-08-2

1 2. FOR EACH DESIGNATED SEAGRASS MANAGEMENT AREA, THE DEPARTMENT SHALL
2 DEVELOP AND ADOPT A SEAGRASS MANAGEMENT PLAN TO GUIDE THE DEVELOPMENT OF
3 RULES AND REGULATIONS PURSUANT TO SUBDIVISION THREE OF THIS SECTION.
4 SUCH PLAN SHALL BE DEVELOPED AFTER CONSULTATION WITH LOCAL GOVERNMENTS,
5 REPRESENTATIVES OF RECREATIONAL BOATING INTERESTS, THE MARINE INDUSTRIES
6 (INCLUDING COMMERCIAL AND RECREATIONAL SHELL FISHERMEN, AND COMMERCIAL
7 SHELL FISH FARMERS), AFFECTED PROPERTY OWNERS, AND OTHER STAKEHOLDERS,
8 SO AS TO EFFECTIVELY MANAGE AND PROTECT SEAGRASS BEDS AND SEAGRASS
9 RESTORATION EFFORTS AT THOSE LOCATIONS AT WHICH THE RESTORATION OF SEAG-
10 RASS IS REASONABLY POSSIBLE. SUCH PLANS SHALL, TO THE EXTENT PRACTICA-
11 BLE, TAKE INTO CONSIDERATION, THE GOALS OF EXISTING ESTUARY PROGRAMS.
12 IN ADDITION, SEAGRASS MANAGEMENT PLANS SHALL SEEK TO PRESERVE TRADI-
13 TIONAL RECREATIONAL ACTIVITIES, INCLUDING RECREATIONAL BOATING AND MARI-
14 NA OPERATIONS, AS WELL AS FINFISHING, SHELLFISHING AND TOURISM WHILE
15 ENSURING SUCH ACTIVITIES DO NOT THREATEN SEAGRASS BEDS OR NEGATE SEAG-
16 RASS RESTORATION EFFORTS.

17 3. THE DEPARTMENT SHALL HAVE THE AUTHORITY TO ADOPT RULES AND REGU-
18 LATIONS TO REGULATE COASTAL AND MARINE ACTIVITIES THAT THREATEN SEAGRASS
19 BEDS OR SEAGRASS RESTORATION EFFORTS.

20 4. THE DEPARTMENT SHALL HAVE THE AUTHORITY TO RESTRICT THE USE OF
21 MECHANICAL-POWERED FISHING OR SHELLFISHING GEAR WHICH MAY DIRECTLY
22 IMPACT SEAGRASS BEDS, INCLUDING CHURNING, DREDGES, RAKES AND TONGS.

23 5. THE DEPARTMENT SHALL IDENTIFY WATER QUALITY IMPACTS SUCH AS NITRO-
24 GEN POLLUTION AND MAKE RECOMMENDATIONS ON HOW TO MINIMIZE SUCH IMPACTS.

25 6. THE DEPARTMENT SHALL MAKE INFORMATION CONCERNING THE IMPORTANCE OF
26 SEAGRASS PROTECTION AND THE STATUS OF SEAGRASS RESTORATION EFFORTS
27 AVAILABLE ON THE DEPARTMENT WEBSITE.

28 S 2. This act shall take effect on the one hundred fiftieth day after
29 it shall have become a law.