

S. 4604

A. 7120

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

April 13, 2011

IN SENATE -- Introduced by Sens. LAVALLE, MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

IN ASSEMBLY -- Introduced by M. of A. THIELE, MURRAY, GRAF, LOSQUADRO, RAIA -- Multi-Sponsored by -- M. of A. FITZPATRICK -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to authorizing the use of mechanical harvesting gear, including hydraulic dredges within the entire boundary of a lease, regardless of lease size, given a cultivation plan is made available

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

1     Section 1. Paragraph 6 of section 13-0302 of the environmental conser-  
2     vation law, as added by chapter 425 of the laws of 2004, is amended to  
3     read as follows:  
4     6. Department authority. Notwithstanding any of the provisions of this  
5     section:  
6     a. any person engaging in the cultivation or harvesting of shellfish  
7     in a shellfish cultivation zone pursuant to this section shall obtain a  
8     permit in accordance with section 13-0316 of this title; [and]  
9     b. the department shall regulate and control the use of certain types  
10    of vessels and equipment for harvesting shellfish, requirements for  
11    reseeding, the right to enter upon such leased lands for reseeding or  
12    making shellfish population surveys, and enforce all other applicable  
13    state laws relating to said underwater lands; AND  
14    C. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A LEASEHOLDER  
15    MAY HARVEST OYSTERS, HARD CLAMS, RAZOR CLAMS AND OTHER SHELLFISH AS  
16    PERMITTED IN THIS SECTION, BY MECHANICAL MEANS, INCLUDING THE USE OF A  
17    HYDRAULIC DREDGE. THE USE OF MECHANICAL HARVESTING GEAR, INCLUDING  
18    HYDRAULIC DREDGES, IS AUTHORIZED TO OCCUR WITHIN THE ENTIRE BOUNDARY OF  
19    A LEASE ISSUED PURSUANT TO THIS SECTION, REGARDLESS OF LEASE SIZE, GIVEN  
20    A CULTIVATION PLAN IS MADE AVAILABLE.  
21    S 2. This act shall take effect immediately.

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

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