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

S. 4604--A A. 7120--A
Cal. No. 1041

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 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report, and to be reprinted as amended, retaining its place in the order of second report

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Subdivision 6 of section 13-0302 of the environmental conservation law, as added by chapter 425 of the laws of 2004, is amended to read as follows:

6. Department authority. Notwithstanding any of the provisions of this section:

a. any person engaging in the cultivation or harvesting of shellfish in a shellfish cultivation zone pursuant to this section shall obtain a permit in accordance with section 13-0316 of this title; [and]

b. the department shall regulate and control the use of certain types of vessels and equipment for harvesting shellfish, requirements for reseeding, the right to enter upon such leased lands for reseeding or making shellfish population surveys, and enforce all other applicable state laws relating to said underwater lands; AND

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

LBD10262-03-1

C. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A LEASEHOLDER MAY HARVEST OYSTERS, HARD CLAMS, RAZOR CLAMS AND OTHER SHELLFISH AS PERMITTED IN THIS SECTION, BY MECHANICAL MEANS, INCLUDING THE USE OF A HYDRAULIC DREDGE. THE USE OF MECHANICAL HARVESTING GEAR, INCLUDING HYDRAULIC DREDGES, IS AUTHORIZED TO OCCUR WITHIN THE ENTIRE BOUNDARY OF A LEASE ISSUED PURSUANT TO THIS SECTION, REGARDLESS OF LEASE SIZE, GIVEN A CULTIVATION PLAN IS SUBMITTED TO AND APPROVED BY THE DEPARTMENT.

S 2. This act shall take effect immediately.