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

5865

2011-2012 Regular Sessions

I N A S S E M B L Y

March 2, 2011

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law and the environmental conservation law, in relation to farm pond dams

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

Section 1. Section 16 of the agriculture and markets law is amended by adding a new subdivision 45 to read as follows:

45. DEVELOP GUIDELINES AND BEST MANAGEMENT PRACTICES IN CONJUNCTION WITH THE STATE SOIL AND WATER CONSERVATION COMMITTEE FOR THE CLASSIFICATION, OPERATION AND MAINTENANCE OF FARM POND DAMS.

S 2. Subdivision 7 of section 15-0107 of the environmental conservation law is renumbered subdivision 8 and a new subdivision 7 is added to read as follows:

7. "FARM POND DAM" SHALL MEAN THOSE DAMS MEETING GUIDELINES ESTABLISHED BY THE DEPARTMENT OF AGRICULTURE AND MARKETS PURSUANT TO SECTION SIXTEEN OF THE AGRICULTURE AND MARKETS LAW AND INSTALLED TO PRINCIPALLY ENHANCE AGRICULTURAL, ENVIRONMENTAL AND CONSERVATION BENEFITS ON FARMS.

S 3. Subdivision 3 of section 15-0503 of the environmental conservation law, as amended by chapter 364 of the laws of 1999, is amended to read as follows:

3. The requirement of a permit pursuant to this section shall not apply to the following facilities:

a. A dock, pier, wharf or other structure used solely as a landing place on water providing dockage for five or fewer boats and encompassing within its outer perimeter an area less than four thousand square feet;

b. A mooring facility providing mooring for fewer than ten boats;

c. Seasonal replacement or reinstallation of structures referenced and listed in paragraph b of subdivision 1 of this section installed prior to the effective date of this paragraph[.];

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

LBD03431-01-1

D. FARM POND DAMS.

S 4. Section 15-0507 of the environmental conservation law is amended by adding a new subdivision 7 to read as follows:

7. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO FARM POND DAMS.

S 5. This act shall take effect immediately.