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

4287--B

2011-2012 Regular Sessions

I N S E N A T E

March 28, 2011

Introduced by Sens. JOHNSON, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

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

LBD10538-04-2

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.

2. FOR EACH DESIGNATED SEAGRASS MANAGEMENT AREA, THE DEPARTMENT SHALL DEVELOP AND ADOPT A SEAGRASS MANAGEMENT PLAN TO GUIDE THE DEVELOPMENT OF RULES AND REGULATIONS PURSUANT TO SUBDIVISION THREE OF THIS SECTION. SUCH PLAN SHALL BE DEVELOPED AFTER CONSULTATION WITH LOCAL GOVERNMENTS, REPRESENTATIVES OF RECREATIONAL BOATING INTERESTS, THE MARINE INDUSTRIES (INCLUDING COMMERCIAL AND RECREATIONAL SHELL FISHERMEN, AND COMMERCIAL SHELL FISH FARMERS), AFFECTED PROPERTY OWNERS, AND OTHER STAKEHOLDERS, SO AS TO EFFECTIVELY MANAGE AND PROTECT SEAGRASS BEDS AND SEAGRASS RESTORATION EFFORTS AT THOSE LOCATIONS AT WHICH THE RESTORATION OF SEAGRASS IS REASONABLY POSSIBLE. SUCH PLANS SHALL, TO THE EXTENT PRACTICABLE, TAKE INTO CONSIDERATION, THE GOALS OF EXISTING ESTUARY PROGRAMS. IN ADDITION, SEAGRASS MANAGEMENT PLANS SHALL SEEK TO PRESERVE TRADITIONAL RECREATIONAL ACTIVITIES, INCLUDING RECREATIONAL BOATING AND MARINA OPERATIONS, AS WELL AS FINFISHING, SHELLFISHING AND TOURISM WHILE ENSURING SUCH ACTIVITIES DO NOT THREATEN SEAGRASS BEDS OR NEGATE SEAGRASS RESTORATION EFFORTS.

3. THE DEPARTMENT SHALL HAVE THE AUTHORITY TO ADOPT RULES AND REGULATIONS TO REGULATE COASTAL AND MARINE ACTIVITIES THAT THREATEN SEAGRASS BEDS OR SEAGRASS RESTORATION EFFORTS.

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

5. THE DEPARTMENT SHALL IDENTIFY WATER QUALITY IMPACTS SUCH AS NITROGEN POLLUTION AND MAKE RECOMMENDATIONS ON HOW TO MINIMIZE SUCH IMPACTS.

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

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