

S. 3707

A. 4837

2013-2014 Regular Sessions

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

February 11, 2013

IN SENATE -- Introduced by Sen. LAVALLE -- 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 -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to granting of tidal wetland permits

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

- 1 Section 1. Section 25-0403 of the environmental conservation law is
2 amended by adding three new subdivisions 4, 5 and 6 to read as follows:
3 4. TIDAL WETLAND PERMITS, EXCEPT FOR MAINTENANCE AND NEW DREDGING
4 PROJECTS, MAY BE GRANTED FOR A PERIOD OF NO MORE THAN FIVE YEARS. UPON
5 EXPIRATION, AN EXTENSION, IF REQUESTED, WILL NOT BE GRANTED UNLESS A
6 FULL, COMPLETE NEW APPLICATION IS SUBMITTED TO THE DEPARTMENT FOR
7 REVIEW.
8 5. IN GRANTING, DENYING OR LIMITING ANY PERMIT UNDER THIS SECTION, THE
9 DEPARTMENT MUST TAKE INTO ACCOUNT SHORT AND LONG TERM TIDAL WETLAND
10 MIGRATION PATHWAYS, SEA LEVEL RISE, AND COASTAL FLOODING FROM STORM
11 SURGES OF EXTREME WEATHER EVENTS WHICH MAY BECOME MORE FREQUENT WITH THE
12 ONSET OF CLIMATE CHANGE. THIS MAY REQUIRE THE DEPARTMENT TO PROMULGATE
13 RULES AND REGULATIONS PERTAINING TO SUCH CRITERIA.
14 6. IN THE EVENT OF A PERMIT REMAINING INACTIVE FOR THREE YEARS, THE
15 DEPARTMENT MUST RE-EVALUATE THE TERMS AND CONDITIONS OF THE PERMIT,
16 LOCATION AND SCOPE OF THE PROJECT, IF AFTER THOSE THREE YEARS, THE
17 APPLICANT CHOOSES TO PROCEED. IN THE RE-EVALUATION OF SUCH PERMIT, THE
18 DEPARTMENT MUST APPLY ALL CRITERIA OUTLINED IN THIS SECTION.
19 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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