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

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:

Section 1. Section 25-0403 of the environmental conservation law is amended by adding three new subdivisions 4, 5 and 6 to read as follows:

4. TIDAL WETLAND PERMITS, EXCEPT FOR MAINTENANCE AND NEW DREDGING PROJECTS, MAY BE GRANTED FOR A PERIOD OF NO MORE THAN FIVE YEARS. UPON EXPIRATION, AN EXTENSION, IF REQUESTED, WILL NOT BE GRANTED UNLESS A FULL, COMPLETE NEW APPLICATION IS SUBMITTED TO THE DEPARTMENT FOR REVIEW.

5. IN GRANTING, DENYING OR LIMITING ANY PERMIT UNDER THIS SECTION, THE DEPARTMENT MUST TAKE INTO ACCOUNT SHORT AND LONG TERM TIDAL WETLAND MIGRATION PATHWAYS, SEA LEVEL RISE, AND COASTAL FLOODING FROM STORM SURGES OF EXTREME WEATHER EVENTS WHICH MAY BECOME MORE FREQUENT WITH THE ONSET OF CLIMATE CHANGE. THIS MAY REQUIRE THE DEPARTMENT TO PROMULGATE RULES AND REGULATIONS PERTAINING TO SUCH CRITERIA.

6. IN THE EVENT OF A PERMIT REMAINING INACTIVE FOR THREE YEARS, THE DEPARTMENT MUST RE-EVALUATE THE TERMS AND CONDITIONS OF THE PERMIT, LOCATION AND SCOPE OF THE PROJECT, IF AFTER THOSE THREE YEARS, THE APPLICANT CHOOSES TO PROCEED. IN THE RE-EVALUATION OF SUCH PERMIT, THE DEPARTMENT MUST APPLY ALL CRITERIA OUTLINED IN THIS SECTION.

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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