

10474--A

I N   A S S E M B L Y

May 27, 2016

---

Introduced by M. of A. ENGLEBRIGHT, THIELE, OTIS -- read once and referred to the Committee on Environmental Conservation -- reported and referred to the Committee on Ways and Means -- 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 marine mammal and sea turtle protection area; and providing for the repeal of such provisions upon expiration thereof

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

1     Section 1. Article 11 of the environmental conservation law is amended  
2     by adding a new title 20-A to read as follows:

3                                   TITLE 20-A

4                   MARINE MAMMAL AND SEA TURTLE PROTECTION AREA

5     SECTION 11-2050. ESTABLISHMENT OF THE MARINE MAMMAL AND SEA TURTLE  
6                   PROTECTION AREA.

7           11-2052. THE MARINE MAMMAL AND SEA TURTLE PROTECTION AREA ADVI-  
8                   SORY COMMITTEE.

9     S 11-2050. ESTABLISHMENT OF THE MARINE MAMMAL AND SEA TURTLE PROTECTION  
10           AREA.

11     1. THERE SHALL BE CREATED THE MARINE MAMMAL AND SEA TURTLE PROTECTION  
12     AREA CONSISTING OF THE WATERS IN THE AREA FROM MEAN HIGH WATER SEAWARD  
13     FIFTEEN HUNDRED FEET, EXCEPT FURTHER SEAWARD IN SHALLOW AREAS TO THE  
14     OUTERMOST LIMIT OF WATERS FIFTEEN FEET IN DEPTH, AROUND PLUM ISLAND,  
15     GREAT GULL ISLAND AND LITTLE GULL ISLAND. SUCH BOUNDARIES SHALL BE  
16     DESCRIBED AND DEPICTED UPON A MAP AND A COPY OF ANY AND ALL SUCH DOCU-  
17     MENTS SHALL BE FORWARDED TO THE COMMISSIONER FOR INVENTORY, RESEARCH AND  
18     REFERENCE PURPOSES FOR THE GENERAL PUBLIC. SUCH PROTECTION AREA MAY ALSO  
19     BE DESIGNATED AS A NEW YORK STATE BIRD CONSERVATION AREA PURSUANT TO  
20     SECTION 11-2001 OF THIS ARTICLE.

21     2. FOR PURPOSES OF THIS TITLE THE MARINE MAMMAL AND SEA TURTLE  
22     PROTECTION AREA SHALL MEAN:

23         (A) A SITE PROVIDING HABITAT TO SPECIES INCLUDING:

24         (I) HARBOR SEALS (PHOCA VITULINA);

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

LBD15680-04-6

1 (II) HARBOR PORPOISES (PHOCOENA PHOCOENA);  
2 (III) GRAY SEALS (HALICHOERUS GRYPUS); AND  
3 (IV) SEA TURTLE SPECIES INCLUDING KEMP'S RIDLEY (LEPIDOCHELYS KEMPII),  
4 GREEN TURTLES (CHELONIA MYDAS) AND LEATHERBACK (DERMOCHELYS COREACIA);  
5 (B) PRESENCE OF A STATE-DESIGNATED NATURAL PROTECTIVE FEATURE; AND  
6 (C) LOCATION WITHIN THE BOUNDARIES OF TWO ESTUARIES OF NATIONAL  
7 SIGNIFICANCE.

8 3. THE DEPARTMENT IS AUTHORIZED TO PROMULGATE REGULATIONS TO PREVENT  
9 THE HARASSMENT AND FOR THE PROTECTION OF MARINE MAMMALS AND SEA TURTLES  
10 WITHIN THE MARINE MAMMAL AND SEA TURTLE PROTECTION AREA.

11 S 11-2052. THE MARINE MAMMAL AND SEA TURTLE PROTECTION AREA ADVISORY  
12 COMMITTEE.

13 THERE SHALL BE CREATED WITHIN THE DEPARTMENT THE MARINE MAMMAL AND SEA  
14 TURTLE PROTECTION AREA ADVISORY COMMITTEE WHOSE NON-GOVERNMENTAL MEMBERS  
15 SHALL SERVE WITHOUT PAY, MEET NOT LESS THAN TWICE EACH YEAR, AND WHOSE  
16 SOLE PURPOSE SHALL BE TO ADVISE AS TO THE MANAGEMENT, EDUCATIONAL  
17 RESEARCH AND UTILIZATION OF THE MARINE MAMMAL AND SEA TURTLE PROTECTION  
18 AREA. PROVIDED, HOWEVER, THE UTILIZATION OF SUCH AREA SHALL BE CONSIST-  
19 ENT WITH THE MISSION OF THE DEPARTMENT PURSUANT TO SECTION 11-2050 OF  
20 THIS TITLE. IN ADDITION TO REPRESENTATIVES OF THE DEPARTMENT, THE ADVI-  
21 SORY COMMITTEE SHALL CONSIST OF, BUT NOT BE LIMITED TO ONE REPRESENT-  
22 TATIVE EACH FROM THE DEPARTMENT OF STATE, THE MARINE RESOURCES ADVISORY  
23 BOARD, THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, THE  
24 STATE MUSEUM, AMERICAN MUSEUM OF NATURAL HISTORY, CORNELL LABORATORY OF  
25 ORNITHOLOGY, ENVIRONMENTAL GROUPS, MARINE EDUCATION AND RESEARCH GROUPS,  
26 THE DEAN OF THE MARINE SCIENCES RESEARCH CENTER AT STONY BROOK, THE  
27 SUFFOLK COUNTY EXECUTIVE, AND THE TOWN SUPERVISORS OF SOUTHOLD AND  
28 BROOKHAVEN. THE COMMISSIONER MAY APPOINT ADDITIONAL MEMBERS AS APPROPRI-  
29 ATE, WHO SHALL SERVE AT HIS OR HER PLEASURE.

30 S 2. This act is not intended to impose new fishing restrictions.

31 S 3. This act shall take effect immediately and shall expire and be  
32 deemed repealed April 1, 2027.