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## IN ASSEMBLY

## May 27, 2016

Introduced by M. of A. ENGLEBRIGHT, THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing the marine mammal and sea turtle protection area

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

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

TITLE 20-A

MARINE MAMMAL AND SEA TURTLE PROTECTION AREA

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

- 11-2052. THE MARINE MAMMAL AND SEA TURTLE PROTECTION AREA ADVISORY COMMITTEE.
- 9 S 11-2050. ESTABLISHMENT OF THE MARINE MAMMAL AND SEA TURTLE PROTECTION AREA.
- 11 THERE SHALL BE CREATED THE MARINE MAMMAL AND SEA TURTLE PROTECTION AREA CONSISTING OF THE WATERS IN THE AREA FROM MEAN HIGH WATER SEAWARD 12 FIFTEEN HUNDRED FEET, EXCEPT FURTHER SEAWARD IN SHALLOW AREAS TO THE 13 OUTERMOST LIMIT OF WATERS FIFTEEN FEET IN DEPTH, AROUND PLUM 14 ISLAND, ISLAND AND LITTLE GULL ISLAND. SUCH BOUNDARIES SHALL BE 15 DESCRIBED AND DEPICTED UPON A MAP AND A COPY OF ANY AND ALL 16 SUCH DOCU-MENTS SHALL BE FORWARDED TO THE COMMISSIONER FOR INVENTORY, RESEARCH AND 17 REFERENCE PURPOSES FOR THE GENERAL PUBLIC. SUCH PROTECTION AREA MAY ALSO 18 19 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:
  - (A) A SITE PROVIDING HABITAT TO:

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- (I) HARBOR SEALS (PHOCA VITULINA); AND
- (II) HARBOR PORPOISES (PHOCENA PHOCENA); AND
- 26 (III) SEA TURTLE SPECIES INCLUDING KEMP'S RIDLEY (LEPIDOCHELYS 27 KEMPII), GREEN TURTLES (CHELONIAN MYDAS), ATLANTIC HAWKSBILL (ERETMOCHE-28 LYS IMBRICATE) AND LEATHERBACK (DERMOCHELYS COREACIA);
  - EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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- (B) PRESENCE OF A FEDERALLY DESIGNATED COASTAL BARRIER;
- (C) DESIGNATION AS A SIGNIFICANT COASTAL FISH AND WILDLIFE HABITAT;
- 4 (D) LOCATION WITHIN THE BOUNDARIES OF TWO ESTUARIES OF NATIONAL 5 SIGNIFICANCE.
  - 3. THE DEPARTMENT IS AUTHORIZED TO PROMULGATE REGULATIONS TO PREVENT THE HARASSMENT AND FOR THE PROTECTION OF MARINE MAMMALS AND SEA TURTLES WITHIN THE MARINE MAMMAL AND SEA TURTLE PROTECTION AREA.
- 9 S 11-2052. THE MARINE MAMMAL AND SEA TURTLE PROTECTION AREA ADVISORY 10 COMMITTEE.

THERE SHALL BE CREATED WITHIN THE DEPARTMENT THE MARINE MAMMAL AND SEA 11 12 TURTLE PROTECTION AREA ADVISORY COMMITTEE WHOSE NON-GOVERNMENTAL MEMBERS SHALL SERVE WITHOUT PAY, MEET NOT LESS THAN TWICE EACH YEAR, AND WHOSE 13 SOLE PURPOSE SHALL BE TO ADVISE AS TO THE MANAGEMENT, EDUCATIONAL 14 15 RESEARCH AND UTILIZATION OF THE MARINE MAMMAL AND SEA TURTLE PROTECTION AREA. PROVIDED, HOWEVER, THE UTILIZATION OF SUCH AREA SHALL BE CONSIST-16 17 ENT WITH THE MISSION OF THE DEPARTMENT PURSUANT TO SECTION 11-2050 OF THIS TITLE. IN ADDITION TO REPRESENTATIVES OF THE DEPARTMENT, THE ADVI-18 19 SORY COMMITTEE SHALL CONSIST OF, BUT NOT BE LIMITED TO ONE REPRESEN-TATIVE EACH FROM THE DEPARTMENT OF STATE, THE MARINE RESOURCES ADVISORY 20 21 BOARD, THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, STATE MUSEUM, AMERICAN MUSEUM OF NATURAL HISTORY, CORNELL LABORATORY OF 22 ORNITHOLOGY, ENVIRONMENTAL GROUPS, MARINE EDUCATION AND RESEARCH GROUPS, 23 THE DEAN OF THE MARINE SCIENCES RESEARCH CENTER AT STONY BROOK, THE 24 25 SUFFOLK COUNTY EXECUTIVE, AND THE TOWN SUPERVISORS OF SOUTHOLD AND 26 BROOKHAVEN. THE COMMISSIONER MAY APPOINT ADDITIONAL MEMBERS AS APPROPRI-27 ATE, WHO SHALL SERVE AT HIS OR HER PLEASURE.

28 S 2. This act shall take effect immediately.