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

7977--A

I N S E N A T E

June 1, 2016

Introduced by Sen. LAVALLE -- 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

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:

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.

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

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

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

(A) A SITE PROVIDING HABITAT TO SPECIES INCLUDING:

(I) HARBOR SEALS (PHOCA VITULINA);

(II) HARBOR PORPOISES (PHOCOENA PHOCOENA);

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

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(III) GRAY SEALS (HALICHOERUS GRYPUS); AND
(IV) SEA TURTLE SPECIES INCLUDING KEMP'S RIDLEY (LEPIDOCHELYS KEMPII), GREEN TURTLES (CHELONIA MYDAS) AND LEATHERBACK (DERMOCHELYS COREACIA);
(B) PRESENCE OF A STATE-DESIGNATED NATURAL PROTECTIVE FEATURE; AND
(C) LOCATION WITHIN THE BOUNDARIES OF TWO ESTUARIES OF NATIONAL 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.

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

THERE SHALL BE CREATED WITHIN THE DEPARTMENT THE MARINE MAMMAL AND SEA TURTLE PROTECTION AREA ADVISORY COMMITTEE WHOSE NON-GOVERNMENTAL MEMBERS SHALL SERVE WITHOUT PAY, MEET NOT LESS THAN TWICE EACH YEAR, AND WHOSE SOLE PURPOSE SHALL BE TO ADVISE AS TO THE MANAGEMENT, EDUCATIONAL RESEARCH AND UTILIZATION OF THE MARINE MAMMAL AND SEA TURTLE PROTECTION AREA. PROVIDED, HOWEVER, THE UTILIZATION OF SUCH AREA SHALL BE CONSISTENT WITH THE MISSION OF THE DEPARTMENT PURSUANT TO SECTION 11-2050 OF THIS TITLE. IN ADDITION TO REPRESENTATIVES OF THE DEPARTMENT, THE ADVISORY COMMITTEE SHALL CONSIST OF, BUT NOT BE LIMITED TO ONE REPRESENTATIVE EACH FROM THE DEPARTMENT OF STATE, THE MARINE RESOURCES ADVISORY BOARD, THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, THE STATE MUSEUM, AMERICAN MUSEUM OF NATURAL HISTORY, CORNELL LABORATORY OF ORNITHOLOGY, ENVIRONMENTAL GROUPS, MARINE EDUCATION AND RESEARCH GROUPS, THE DEAN OF THE MARINE SCIENCES RESEARCH CENTER AT STONY BROOK, THE SUFFOLK COUNTY EXECUTIVE, AND THE TOWN SUPERVISORS OF SOUTHOLD AND BROOKHAVEN. THE COMMISSIONER MAY APPOINT ADDITIONAL MEMBERS AS APPROPRIATE, WHO SHALL SERVE AT HIS OR HER PLEASURE.

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

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