STATE OF NEW YORK

4755

2019-2020 Regular Sessions

IN ASSEMBLY

February 5, 2019

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

AN ACT to amend the environmental conservation law, in relation to the prevention and mitigation of marine and coastal debris

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article 13 of the environmental conservation law is amended by adding a new title 9 to read as follows:

TITLE 9

MARINE AND COASTAL DEBRIS PREVENTION AND MITIGATION

Section 13-0901. Declaration of policy.
13-0903. Definitions.
13-0905. Responsibilities of the department.

§ 13-0901. Declaration of policy.

It is declared to be the public policy of this state to protect, preserve and restore its marine and coastal waters and to prevent and mitigate their despoliation by marine and coastal debris, in order to maintain healthy coastal and ocean ecosystems and the benefits they provide to communities.

§ 13-0903. Definitions.

1. "Marine and coastal debris" shall mean any persistent solid material that is manufactured or processed, and directly or indirectly, intentionally or unintentionally, disposed of or abandoned in the waters of the marine and coastal district, including debris that has been dumped, swept, or blown off commercial and fishing vessels, or stationary platforms at sea, including but not limited to ghost gear, and debris that has been generated on land and blown, swept, or washed out to marine and coastal waters.

2. "Ghost gear" shall mean lost or abandoned fishing gear, including fishing nets, fishing lines, crab pots, shrimp pots, lobster pots or traps, fish or eel pots, and other commercial and recreational fishing

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

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equipment, but shall not include lost or abandoned vessels or structural components thereof.

3. "Eligible recipients" shall mean not-for-profit corporations located within New York state with the purpose of promoting sport fishing, increasing participation in recreational angling, increasing public awareness and appreciation of aquatic natural resources, encouraging conservation of fisheries resources, or promoting research related to sport fishing, recreational angling, or aquatic natural resources.

§ 13-0905. Responsibilities of the department.

1. The department shall prepare and annually update a marine and coastal debris action plan. Such plan shall be developed in consultation with relevant stake holders including, but not limited to, the department of state and the office of parks, recreation and historic preservation, the marine resources advisory council established pursuant to section 13-0350 of this article, local governments, eligible recipients, holders of commercial and recreational fishing licenses, organizations of sporting enthusiasts and persons concerned with environmental issues and animal welfare.

2. Such plan shall include an assessment of the extent of marine and coastal debris and its impact on resources in marine and coastal waters, shall evaluate and prioritize measures to identify, prevent and mitigate the impacts of such debris, and shall identify best practices in the prevention, identification and mitigation of marine and coastal debris. In addition, each annual update shall include information and data on progress in accomplishing the objectives of the prior year's plan and on activities undertaken or supported by the department pursuant to subdivisions three and four of this section and any pilot projects initiated pursuant to subdivision five of this section.

3. The department shall: (a) to the extent feasible, make its facilities in communities adjacent to or within marine and coastal waters available to organizations and entities involved in identification, prevention, mitigation and removal and recycling or other remediation of marine debris to facilitate plan implementation; and (b) to the extent funds are available therefor, support and assist such organizations and entities in efforts to implement the plan.

4. The department shall, at a minimum, provide information on reporting the location of ghost gear when issuing any commercial license for fishing in marine and coastal waters, shall publish such information in any department-generated guide or map for saltwater fishing, and shall include toll-free numbers and links to websites of organizations that accept reports of such locations on its website and on any mobile application for hunting, fishing and wildlife information supported by the department.

5. To extent that funds are available for such purposes, the department shall provide grants to eligible recipients to operate one or more pilot projects in each of the following areas: (a) identification, removal and, to the extent feasible, recycling of ghost gear; (b) monofilament fishing line recycling; and (c) beach debris cleanup.

§ 2. Section 13-0503 of the environmental conservation law is amended by adding a new subdivision 5 to read as follows:

5. The board may advise and assist the department in the exercise of its responsibilities under title nine of this article.

§ 3. Subdivision 1 of section 11-0323 of the environmental conservation law, as amended by chapter 330 of the laws of 2014, is amended to read as follows:

1. The department shall compile and index each year after the adjournment of the legislature the laws relating to fish and wildlife, as well as invasive species (as defined in section 9-1703 and 9-1710 of this chapter), as amended to date. **In addition, information on reporting the location of ghost gear, including toll-free numbers and website links, shall also be included.** Copies of the compilation shall be printed in pamphlet form of pocket size in the number for which the legislature may appropriate funds.

§ 4. Subdivision 1 of section 11-0323 of the environmental conservation law, as separately amended by section 19 of part H of chapter 58 and chapter 342 of the laws of 2012, is amended to read as follows:

1. The department shall compile and index each year after the adjournment of the legislature the laws relating to fish and wildlife, as well as invasive species (as defined in section 9-1703 of this chapter), as amended to date. **In addition, information on reporting the location of ghost gear, including toll-free numbers and website links, shall also be included.** Copies of the compilation shall be printed in pamphlet form of pocket size in the number for which the legislature may appropriate funds.

§ 5. This act shall take effect immediately; provided, however, that:

(a) the initial marine debris action plan shall be issued not later than 15 months after the date on which this act shall have become a law; and

(b) the amendments to subdivision 1 of section 11-0323 of the environmental conservation law made by section three of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 4 of chapter 330 of the laws of 2014, as amended, when upon such date the provisions of section four of this act shall take effect.