STATE OF NEW YORK

4077

2019-2020 Regular Sessions

IN ASSEMBLY

February 1, 2019

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

AN ACT to amend the environmental conservation law, in relation to the removal of species from the endangered and threatened species list

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

Section 1. Subdivision 1 of section 11-0535 of the environmental conservation law, as amended by chapter 706 of the laws of 2005, is amended to read as follows:

1. For the purposes of this section, "endangered species" shall mean those species of fish, shellfish, crustacea and wildlife designated by the department, by regulation filed with the Secretary of State, as seriously threatened with extinction, "threatened species" shall mean those species of fish and wildlife designated by the department, by regulation filed with the Secretary of State, which are likely to become endangered species within the foreseeable future throughout all or a significant portion of their range, and "species of special concern" shall mean those species of fish and wildlife designated by the department, by regulation filed with the Secretary of State, which are found by the department to be at risk of becoming threatened in New York. Such regulation shall include, but not be limited to, endangered and threatened species as so designated by the Secretary of the Interior, provided, however, that such regulation shall take effect sixty days after it has been filed with the Secretary of State, and provided, further, that [~~the commissioner may exclude any such species as the commissioner may determine after investigation to be no longer endangered or threatened from the restrictions of this section~~] **any endangered or threatened species as so designated by the Secretary of the Interior shall be subject to the restrictions of this section, regardless of the removal of such designation as an endangered or threatened species by the Secretary of the Interior, until such time as the commissioner determines, after investigation, that such species is no longer endangered or threatened**.

§ 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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