STATE OF NEW YORK

10187

IN ASSEMBLY

May 5, 2022

Introduced by COMMITTEE ON RULES -- (at request of 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 establishing the Flax Pond tidal wetlands sanctuary; and to amend the navigation law, in relation to prohibiting the use of motor boats in the Flax Pond tidal wetlands sanctuary

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

Section 1. The environmental conservation law is amended by adding a new section 11-0306-a to read as follows:

§ 11-0306-a. The Flax Pond tidal wetlands sanctuary.

1. There is established a Flax Pond tidal wetlands sanctuary for the purpose of protecting areas of special ecological significance within the Flax Pond tidal marsh. The sanctuary shall be composed of the tidal wetlands located in the village of Old Fields, county of Suffolk as designated on the March tenth, nineteen hundred sixty-six survey filed in the Suffolk County Clerk's office as file number 136899 and including a permanent easement for the State University of New York as designated on the March ninth, nineteen hundred sixty-six survey filed in the Suffolk County Clerk's office as file number 81558, and including acreage of 146.162 acres. The sanctuary shall be managed by the department in cooperation with the state university at Stony Brook. The sanctuary shall be managed as a long-term field laboratory for research and education to provide:

a. a natural area for academic research across a wide variety of disciplines including, but not limited to, the fields of community ecology, population ecology, predator-prey relationships, food chain and web dynamics, nutrient and energy flow, hydrology, ornithology, botany, and forestry management;

b. opportunities for instruction between teaching faculty and students by using the property as an "outdoor classroom";

c. opportunities for students, faculty, and the public to connect with the natural world around them; and

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

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d. a meaningful contribution toward protection of local and regional biodiversity.

2. Hunting, fishing, trapping and the use of motor boats are not compatible with the primary purposes and management goals of the sanctuary.

§ 2. The navigation law is amended by adding a new section 39-b to read as follows:

§ 39-b. Motor boat regulation on Flax Pond tidal wetlands sanctuary. 1. The term "motor boat" shall mean and include a mechanically propelled vessel having a source of power other than propulsion by wind propelled sail or human propelled oar or paddle. The term shall also include a craft temporarily or permanently equipped with a detachable motor, commonly known as an "outboard" motor boat.

2. No motor boat shall be operated on the Flax Pond tidal wetlands sanctuary established pursuant to section 11-0306-a of the environmental conservation law. Signs shall be posted warning that motor boats are prohibited in the tidal wetlands.

3. The provisions of this section shall not apply to emergency and rescue vessels and vessels operated for the official functions of a federal, state or local governmental agency.

4. A person violating any of the provisions of this section shall be deemed guilty of a violation and punishable by a fine of not more than one hundred dollars or imprisonment for not more than ten days or by both such fine and imprisonment.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.