STATE OF NEW YORK

7384

2021-2022 Regular Sessions

IN SENATE

September 17, 2021

Introduced by Sen. WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to scheduled dredging of navigable waters

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

Section 1. This act may be referred to as the "Desludging Requirements for Every Designated Geographic Environment Act" or the "DREDGE Act".

§ 2. Legislative intent. The legislature finds and declares that the maintenance of our navigable waterways is critical for public safety, the environment, and the economy. Most experts agree that regular dredging of navigable waterways ensures that each of these metrics are maintained. The legislature further finds that, on average, most navigable waterways should be dredged every eight years, but without proper planning at the federal, state and local level, those years can quickly come up without the funding, resources, or a schedule in place. For example, the Browns River in the Town of Islip has not been dredged in nearly 17 years--more than double the recommended time dredging should take place. This legislation is necessary to ensure that regular dredging is planned and financed to ensure the safe navigability and reliability of our pristine waterways.

§ 3. The environmental conservation law is amended by adding a new section 15-0506 to read as follows:

§ 15-0506. Regularly scheduled dredging of navigable waters in the state.

1. The state and each municipality that has a navigable waterway within its jurisdictional control and maintenance shall develop a schedule for regular dredging of such waterway that shall be filed with the department. Such schedule shall be updated at least annually and shall be made available on the department's website.

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

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2. If a waterway is under the control of more than one level of government, or requires more than one level of government to work together to dredge the waterway, the respective levels of governments and/or municipalities shall enter into an agreement as to each level of government and/or municipality's respective responsibilities and an agreed upon schedule for dredging the waterway. Such schedule shall be updated at least annually and shall be made available on the department's website.

3. If the waterway is a federal waterway that requires the state and/or local municipalities to undertake preliminary or concurrent work, including but not limited to, having an available spoil site, for the federal government to begin or complete its work, the state and/or local municipalities shall develop a schedule to complete such work. If more than one level of government is required to undertake such work, the respective levels of governments and/or municipalities shall enter into an agreement as to each level of government and/or municipality's respective responsibilities and an agreed upon schedule to do the work. Such schedule shall be updated at least annually and shall be made available on the department's website.

4. Nothing contained in this section shall impair, impede, or supersede any emergency work in such navigable waterway that must be completed outside of the schedule filed with the department.

§ 4. This act shall take effect immediately.