

# 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:

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

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

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

18 § 15-0506. Regularly scheduled dredging of navigable waters in the  
19 state.

20 1. The state and each municipality that has a navigable waterway with-  
21 in its jurisdictional control and maintenance shall develop a schedule  
22 for regular dredging of such waterway that shall be filed with the  
23 department. Such schedule shall be updated at least annually and shall  
24 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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1 2. If a waterway is under the control of more than one level of  
2 government, or requires more than one level of government to work  
3 together to dredge the waterway, the respective levels of governments  
4 and/or municipalities shall enter into an agreement as to each level of  
5 government and/or municipality's respective responsibilities and an  
6 agreed upon schedule for dredging the waterway. Such schedule shall be  
7 updated at least annually and shall be made available on the depart-  
8 ment's website.

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

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

23 § 4. This act shall take effect immediately.